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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Addendum

RUSSIAN FEDERATION* **

[31 July 1995]

Right to self-determination (art. 1)

1. Information concerning this article is set out in paragraphs 1 to 14 of the Russian Federation's periodic report submitted in 1994 pursuant to article 40 of the International Covenant on Civil and Political Rights (hereinafter referred to as "the Report").

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* The second periodic reports submitted by the Government of the USSR concerning rights covered by articles 6 to 9 (E/1984/7/Add.7), 10 to 12 (E/1986/4/Add.14) and 13 to 15 (E/1990/7/Add.8) were considered by the Sessional Working Group of Governmental Experts at its 1984 session (E/1984/WG.1/SR.9-10) and the Committee on Economic, Social and Cultural Rights at its 1987 session (E/C.12/1987/SR.16-18) respectively.

** The information submitted by the Russian Federation in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.52/Rev.1).

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Guarantee of rights (art. 2)

2. With a view to the gradual and comprehensive fulfilment of its obligations under the Covenant, Russia has since 1991 been developing new approaches to this matter based on the need to amend legislation in connection with its transition to a market economy. In this context, various concepts and programmes are being developed at the federal and local levels in respect of individual aspects of the application of legislation to ensure that the rights embodied in the Covenant can be exercised fully in the country.

3. Guarantees of equal rights and the inadmissibility of discrimination among people in Russia are described in the Report, and specifically in paragraphs 15-40.

4. Russia is a party to the ILO Employment Policy Convention, 1964 (No. 122) and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and regularly submits reports concerning their implementation.

5. Russia participates in cooperation with a view to development and is taking steps to promote the realization of economic, social and cultural rights. In this connection, the task of ensuring human rights and development is being tackled in the light of the relevant provisions of the Vienna Declaration, adopted by the World Conference on Human Rights in 1993. It is on this basis that Russia participates in United Nations bodies dealing with human rights problems (specific examples can be given of the way Russia uses the advantages offered by cooperation for development purposes).

6. In recent years a number of useful cooperation projects have been implemented in conjunction with UNDP and the specialized agencies of the United Nations system (UNESCO, WHO, UNIDO and ILO). Specifically, seminars have been organized with ILO on labour standards, the development of small enterprises, vocational training policy problems, on the role of trade unions in a market economy and on social partnership in labour relations; work is also being done on demonstration projects with a view to increasing employment in the Ivanovskaya and Tulskaya oblasts.

7. Assistance to countries in transition (including Russia) constitutes a new aspect of international cooperation for development. Russia's cooperation with the International Monetary Fund and IBRD is of particular importance for the solution of the economic and social problems that arise in the transition to a market economy (the total inflow of resources from these two agencies amounting to $6 billion).

Equal rights of men and women (art. 3)

8. Basic data on this question are set out in the Report, Russia's national report to the Fourth World Conference on Women entitled "Action for Equality, Development and Peace", and also in the Russian Federation's fourth periodic report on the implementation of the Convention on the Elimination of all forms of Discrimination against Women, which was submitted to the United Nations Committee on the Elimination of Discrimination against Women in September 1993 within the time-limit specified.

Interpretation of the provisions of the Covenant (art. 5)

9. Information on this matter is presented in paragraphs 59-62 of the Report.

The right to work (art. 6)

10. The basic guarantee of the right to work is contained in article 37, paragraph 1, of the Constitution, which states "Labour shall be free. Everyone shall have the right freely to use his (her) labour skills and to choose the type of activity and occupation".

11. This right is also guaranteed by a series of legislative provisions in the Russian Federation's Labour Code, which was considerably amended in 1992 (when the drafting of the new code was begun) and in the Law on employment in the RSFSR of 19 April 1991. Various provisions on the subject are also contained in the Law on enterprises and entrepreneurial activities of 25 December 1990, the Law on collective labour agreements of 11 March 1992, in the Regulations on attracting and using foreign labour in the Russian Federation (approved by the Presidential Decree of 16 December 1993), in the Presidential Decree on State supervision and monitoring with a view to ensuring compliance with the Russian Federation's labour and labour safety legislation of 4 May 1994, etc.

12. The status of persons sentenced to compulsory labour is governed by legislation, including the Law on establishments and bodies applying punishment in the form of deprivation of liberty of 21 July 1993 and the internal regulations of such establishments.

13. Certain aspects of the State's protection of the right to work in Russia are dealt with in the Report in connection with the question of equal rights and legal remedies (paras. 41-51), freedom from slavery (paras. 109-116) and access to public service (para. 279).

14. Conditions in Russia's labour market are described in the Russian Federation's national report on population problems submitted to the Cairo Conference on Population and Development. A federal programme for 1994 to promote employment in the Russian Federation was drawn up with a view to the application of the constitutional guarantee of the right of protection against unemployment (art. 37, para. 3 of the Constitution) and in accordance with Government Order No. 1152 of 6 November 1993 concerning the social and economic situation in the Russian Federation as well as the measures being taken to launch the first stage of the programme of the Council of Ministers and Government of the Russian Federation for 1993-1995 entitled "Development of reforms and stabilization of the Russian economy". This programme presents a detailed description of the situation and the nature of the action to be taken over the near term. The recommended steps to be taken to boost employment at a time when enormous numbers of workers are being laid off were approved by Government Order No. 99 of 5 February 1993, which describes what is to be done to achieve this goal and sets out a programme of job creation. The general method of calculating the number of persons seeking suitable jobs is described in the Regulations on the registration of the unemployed and circumstances in which unemployment benefits are paid, which were approved by

Government Order No. 788 of 17 November 1992 in accordance with Presidential Decree No. 723 of 2 July 1992 on measures to provide assistance to citizens who have lost their jobs and wages (income) and are recognized as being unemployed on the basis of the established procedure.

15. A federal migration programme, approved by Government Order No. 119 of 15 February 1994, has also been drawn up and is being carried out. This programme sets out specific measures aimed at creating conditions conducive to the creation of jobs for persons who have been forced to migrate and to the integration of refugees into the communities in which they have settled, with a view to enabling them to achieve levels of self-sufficiency comparable to those enjoyed in that area.

16. Comparable guarantees applicable to members of the armed forces are contained in article 10, entitled "The right to work", of the Law on the status of members of the armed forces.

17. The serious problems being encountered in the field of judicial labour relationships are explained by the fact that the economic changes that have taken place are insufficiently reflected in labour legislation and in the procedures governing its application. Certain provisions are contradictory and there are a large number of omissions, the main one being the lack of any clear definition of the legal nature of the labour relationships that arose after the restoration of private property.

18. The importance of labour relationships is explained by the fact that 48 per cent of the total population (71 million persons) is employed in the national economy. Of this number, 36.5 million work in the State sector, 20.9 million in the private sector and 12.7 million in enterprises of the mixed ownership type (figures furnished by Russia's State Committee on Statistics for 1993). In other words, about 40 per cent of all workers are employed in the non-State sector at the present time.

19. Two negative trends affecting labour relationships emerged during the period under review, namely, an increase in the number of labour rights violations and diminished verification of compliance with such rights.

20. Checks carried out by the procurator's office indicate that 10,800, 12,200 and 13,300 violations of labour rights occurred in 1991, 1992 and 1993 respectively. Moreover, court statistics reveal that the number of court cases involving labour matters amounted to 107,800, 110,700 and 91,600, also in respect of these three years. New forms of massive labour rights violations have become widespread.

21. One such violation consists in failure to pay wages on time and has become common throughout the country. Delays in the payment of wages constitute a violation not only of article 96 of the Labour Code but also of the ILO Protection of Wages Convention, which has been ratified by our country. The most serious situation prevails in the defence, mechanical engineering, chemical and other branches of industry, as well as in construction and in the budget sector. At the beginning of 1994, the total amount of wages in arrears was almost 800 billion roubles for the country as a whole. Workers in 24,000 enterprises failed to receive their wages on time.

22. This type of labour rights violation is due to economic as well as administrative and legal factors. Among the former, the most important is the crisis in the settlement of accounts between enterprises and, in the case of the budget and subsidized branches, delays in the appropriation of funds for which provision has been made in various budgets. The main administrative and legal factor concerns the way in which funds are at present transferred from the accounts of enterprises - taxes and payments to the budget being deducted from the account without acceptance and payments in respect of wages not being recorded as having priority, so that enterprises are left without money to pay them.

23. Another violation which, since the spring of 1992, has assumed enormous proportions involves compulsory leave without pay or with partial pay. This practice is provided for neither by legislation nor in wage rate agreements, and in point of fact is a form of concealed unemployment. In a number of cases, compulsory leave without pay constitutes a method of forcing the worker to quit at his own request in order to avoid payments connected with his dismissal in the context of staff reductions and provided for in article 40, paragraph 3 of the Labour Code. According to figures provided by the Labour Institute's Labour Monitoring Centre, this violation occurs above all in light industry and mechanical engineering enterprises, where the proportion of concealed unemployment is considerably above the average in the branches analysed by the Centre, amounting to no less than 20 per cent. In general, the Employment Service calculates that, at the beginning of 1994, concealed unemployment affected about 4 to 5 million persons.

24. The massive violations of labour rights described above have the effect of increasing social tensions in society and foment collective labour disputes, which in some cases degenerate into strikes. According to the State Committee on Statistics, strikes occurred in 288 organizations in the first quarter of 1994, namely, 10.3 times more often than in the corresponding quarter of 1993. The main reason behind such strikes was failure to pay wages.

25. In the overwhelming majority of such cases the courts found that these strikes (among those they examined on the basis of actions brought by the administrations of enterprises) were illegal from a formal standpoint (non-compliance with articles 2-4 of the Soviet Socialist Republic's Law on the settlement of labour disputes that make it mandatory to conduct a preliminary investigation of the disputes that have arisen at a general meeting of the workforce, by a reconciliation commission or through arbitration).

26. According to figures presented by the Ministry of Justice of the Russian Federation, 250 (95.1 per cent) of the 263 strikes referred to the courts were found to be illegal in 1992; the corresponding figures for 1993 were 62 out of 68 (91 per cent).

27. Collective labour disputes occurred at 1,113 enterprises and organizations in various branches and regions in 1993.

28. Owing to the difficulty of eliminating the reasons behind collective labour disputes and the absence of suitable machinery for their settlement, the vast majority of such disputes become more serious and prolonged.

29. Violations of the rights of workers at the time of hiring or dismissal have become extremely common. A practice that has become widespread at private enterprises (including those with foreign capital participation) but is encountered even more frequently in State enterprises, is the conclusion of labour agreements whose conditions, in violation of article 5, paragraph 1 of the Labour Code, place workers in a position worse than that provided for by labour legislation. As a rule, conditions at variance with the legislation in force involve questions of dismissal: provision is made for the absolute right of employers to dismiss workers, swingeing conditions if the worker quits on his own initiative (obligation to work for a specific period without dismissal, extension of the period of advance notice of dismissal, and financial penalties if the worker quits on his own initiative), as well as for the possibility of transferring the worker in an arbitrary manner. Workers at State and former State enterprises are frequently forced to accept fixed-term contracts instead of contracts of unlimited duration, or fixed-term contracts when they are hired, in violation of article 17, paragraph 2 of the Labour Code.

30. The main reason why a worker is willing to go along with discriminatory hiring practices is explained by the attractive wage level (at private enterprises) and fear of losing his job. For this reason, the number of actions brought for the restoration of the violated rights of workers in private enterprises is small in comparison with the total number of workers they employ. According to the Ministry of Justice, 840 such claims were granted in 1993. During the same period, the courts restored the rights of 47,250 workers in State enterprises and organized societies.

31. The most widespread abuses involve the illegal cancellation of labour contracts because of staff reductions. Typical violations in this connection include the absence of an agreement with the trade union body (art. 35 of the Labour Code) and failure to comply with time-limits in violation of article 34 of the Labour Code offering the possibility of taking into account a worker's preferential right to keep his job. There are also violations of article 40, paragraph 2 of the Labour Code, which states that a worker must be given two months' notice of dismissal against receipt and be offered alternative work at the same enterprise.

32. Labour legislation providing benefits and guarantees to specific categories of working women, young persons and the disabled is frequently violated. In a number of regions (Mordoviya, Kirovskaya oblast) women with young children were made to do overtime and assigned work they are not allowed to do. At 6 out of each 40 enterprises verified by the Moscow procurator's office, it was found that pregnant women were made to work at night and also dismissed on the initiative of the administration. As a result of continuing discrimination against women at the time they are hired, the number of disabled working women declined by 80,000 in 1991-1992.

33. Labour safety conditions have also deteriorated recently in that industrial injuries are increasing throughout the country and labour safety monitoring is non-existent.

34. According to the Ministry of Labour, an average of about 1,600 accidents occur, 27 persons die, and 55 persons are injured and become disabled every day. In 1993 over 400,000 workers were injured, and of this number 8,000 died. The worst conditions prevail in enterprises with non-State forms of ownership.

35. The absence of legal regulations governing labour safety in private sector enterprises, the inaccessibility of such enterprises to supervising and monitoring bodies, the lack of a reporting system for labour conditions and industrial accidents, and the incompetence of managers result in the violation of the constitutional right to work in conditions meeting safety requirements. Very often industrial injuries, including those resulting in death, are not investigated.

36. The existing system for the registration and winding-up of enterprises fails to establish the responsibility of the legal person for injury caused to a healthy worker in cases when the consequences of an injury or occupational disease become apparent only after the enterprise had been wound up.

37. In many cases the enterprise refuses to pay compensation for injury caused to a worker's health. In 1992, according to figures supplied by the Ministry of Justice, the courts granted 90 per cent (22,007 out of 24,451) of claims for the payment of compensation for injuries incurred; the corresponding figure for 1993 was 91 per cent (12,046 out of 15,993).

38. The type of violations described above are by no means exhaustive of the wide range of labour rights violations.

39. The decline in the extent of supervision exercised over compliance with labour rights and labour legislation is to a large extent due to the changing role of the trade unions in the system of labour relations. Previously, the State's function of supervising and monitoring compliance with labour legislation was delegated to the centrally-managed system of trade unions. The legal inspections which constituted part of their functions were at that time carried by a number of State authorities (issue of instructions binding upon management, imposition of fines, etc.). As a result of the emergence of new "alternative" trade unions and the loss by the Federation of Independent Russian Trade Unions (FIRTU) of its monopoly, as well as the dispersion of monitoring activities among various bodies due to the extremely unfortunate rewording of article 244 of the Labour Code, the function of exercising supervision and control over compliance with labour legislation is now virtually non-existent; this has created a situation conducive to the violation of labour rights, particularly in the non-State sector of the economy.

40. Neither State bodies nor the trade unions possess information about the true extent and nature of violations in the private sector. Such information is not available even to the central committees of trade unions for workers in medium and small businesses, which are supposed to protect the rights of

workers employed in the private business sector. This situation suggests that the expansion of the non-State sector of the economy may be accompanied by a corresponding increase in the number of violations of the labour rights of workers in this sector if steps are not taken in time to prevent this from happening.

41. The situation is further aggravated by the fact that a number of enterprises are whittling away the rights of trade unions, refusing to recognize new, "alternative" trade unions and even attempting to dissolve trade union organizations on the decision of organs of the workforce by reference to article 235, paragraph 1 of the Labour Code, according to which the workforce independently determines and regulates the forms and conditions of work at the enterprises of organized societies.

42. The fact of the matter is that the establishment of the non-State sector of the economy wrought radical changes in relationships between the State, trade unions and entrepreneurs. Employers and trade unions emerge as distinct, and frequently confrontational parties in labour relations. For this reason, the State should assume the functions of arbitrator and supervisor. And this explains why the question of establishing a single State federal labour inspectorate is of an urgent nature.

43. A number of thorny problems are raised by efforts to give effect to the right to protection against unemployment. The number of persons registered with the employment service for each vacancy increased from two in July 1993 to three in December. Moreover, the average period of unemployment doubled (from three to six months). At the beginning of 1994, a total of 835,000 unemployed were registered with the employment service.

44. Yet this figure, which is relatively small in terms of the size of the country, fails to reflect the actual state of affairs, since the process of releasing workers is held in check by concealed unemployment. Across the board application of the law on bankruptcy, which is necessary if the economy is to be revitalized could increase the number of unemployed to over 3 million.

45. Moreover, according to the Labour Monitoring Centre, concealed unemployment at most enterprises is not used to recycle and retrain workers so that rational use can be made of their services in future. For this reason, in a context of mass unemployment, there is a danger that jobs will not be found for them since, from an employment standpoint, they will be unsuitable.

46. Although the subordinate bodies of the employment service view the situation optimistically and are taking various steps to mitigate the consequences of mass lay-offs, the measures they entail - judging by the report of the Federal Employment Service - are still being drawn up. The procurator's office notes that, in a number of regions, employment services are unable to forecast the labour market accurately, to build up a reliable data bank in time, and fully to implement measures designed to protect the population against unemployment, and are making inadequate use of possibilities of providing the unemployed with paid jobs on public works projects.

47. Questions of specific State assistance for the unemployed, geared to their social needs, are assuming particular importance in the context of rapidly increasing inflation. On 1 January 1994, about 550,000 (66 per cent) of the total number of persons recognized as being unemployed were receiving unemployment benefits. In December 1993, the average benefit was 16,000 roubles - an amount that is far from assuring minimum living standards.

48. All this indicates that society and the State are inadequately prepared to solve the social problems that are inevitably raised by mass unemployment.

49. The problem of employment for young persons is particularly acute. Under existing labour legislation, the minimum age of employment is 16 years (exceptionally, 15 years). However, the Law on Training permits the placement by training institutions of minors who have reached the age of 14. The absence of any clear-cut regulations governing labour relations for this age group, the lack of interest shown by enterprises in hiring persons from this group, and the ineffectual assistance provided by the State in placing such persons results in the illegal use of their labour by commercial enterprises. Semi-legal work in such enterprises violates their legal rights and interests and, in a number of cases, has the effect of involving minors in forms of organized crime. For this reason, the Ministry of Labour proposed a number of measures to the Government; one was to prohibit the placement of minors from schools in the absence of confirmation that they had been hired or were to attend vocational training courses, and another was to require educational bodies to monitor the placement of minors from schools on reaching the minimum age for employment. This matter has not yet been settled however.

50. In the light of the above, the President's Commission on Human Rights submitted a recommendation supporting the proposals of State bodies (Ministry of Labour of the Russian Federation, the courts and the procurator's office) and trade unions for the adoption of a number of urgent measures designed to ensure compliance with the labour rights of citizens, including:

The establishment and strengthening of a system for monitoring compliance with labour legislation and labour safety;

The preparation and adoption of new labour legislation as well as laws on collective labour disputes, a living wage, social insurance, social security and the status of trade unions;

The amendment of the existing Laws of the Russian Federation on employment in the Russian Federation, on collective agreements (assistance in developing a system for the collective regulation of labour relations as an effective means of protecting the rights of workers in the context of developing a market infrastructure), the Penal Code, the Law on Training and of legislation on compensation for workers who have suffered industrial injuries;

The ratification of the ILO Convention laying down international standards in respect of the generally-recognized rights of workers under contract; and

The improvement of procedures for establishing that a person is unemployed and for calculating employment.

51. It is generally understood in Russia that, owing to the difficulty of going over to a market economy, particular importance must be attached to international assistance if the right to work is to be fully realised. In this connection, those segments of the population that are suffering the most and above all persons who have been forced to migrate should be the first to be able to count on the assistance of other States and international organizations in a spirit of solidarity and burden-sharing. For example, the International Organization for Migration is drawing up a "Migration for Development" programme for the organized settlement of migrants on a permanent basis entailing the use of self-financing arrangements to resettle and install migrants and to find jobs for them. Russia is also, in cooperation with the Office of the United Nations High Commissioner for Refugees, drawing up a number of measures in this connection to protect the right to work of refugees and persons who have been forced to resettle.

The right to the enjoyment of just and favourable conditions of work (art. 7)

52. This right is guaranteed in article 37, paragraph 3 of the Constitution, which reads:

> "Everyone shall have the right to work in conditions which meet safety and hygiene requirements, and to receive remuneration for labour without any discrimination whatsoever and not below the minimum wage established by federal law, as well as the right of protection against unemployment."

According to article 78 of the Labour Code, the minimum wage does not include additional payments and increments or bonuses and other financial incentives.

53. The labour protection legislation of 6 August 1993 guarantees the worker's right to labour protection and establishes uniform procedures for the regulation of labour protection matters between the employer and workers at enterprises, establishments and organizations, regardless of the form of ownership, and is also intended to create working conditions that protect the lives and health of workers in the course of their work. An Interdepartmental Labour Protection Commission has been set up to implement the provisions of this legislation.

54. Yet the actual labour protection situation in Russia is a source of concern owing to failure to comply with legislation and its inadequate requirements, the fact that production equipment is wearing out at an alarming rate and the increase in the number of accidents. An analysis of the labour situation and its future prospects are contained in the Government's Basic Social Policy Concepts for 1994 (Order No. 474 of 6 May 1994).

55. The creation of safe workplaces that do not endanger the health and lives of workers is one of the urgent and priority tasks that has to be tackled in the development of the labour sector, above all at the level of individual enterprises. Extremely unfavourable conditions have emerged in this sector.

About 30 production workers meet their deaths each day and over 50 are disabled. Moreover, approximately 400,000 accidents occur every year at enterprises. The amount paid out by enterprises in the form of compensation for accidents and occupational diseases exceeds 40 billion roubles a year. Injuries occur two to four times more frequently than in the developed countries of Europe.

56. Enterprises are reducing (and in the private sector very often not appropriating) funds to ensure labour safety. In the Russian Federation as a whole, about 3.5 million persons are employed in workplaces not meeting safety requirements and over 5 million work in conditions where they are exposed to harmful industrial substances.

57. Monitoring data in respect of the enterprises inspected indicate that problems connected with working conditions and labour protection are reaching an extremely critical stage in the industrial sector as a whole, as well as in other branches of the national economy. In the first half of 1993, for example, there was more than one industrial injury per 100 workers at microbiological, transport and building materials enterprises.

58. This is because enterprises have not done enough to improve labour conditions and protection. Production and labour discipline is slipping and the amounts earmarked for the improvement of production technology and labour protection are declining. Labour protection services have been done away with at many enterprises and branches, no economic incentives have been created to motivate enterprises to improve labour and production conditions, and insufficient attention is being paid to monitoring compliance with labour legislation.

59. The State labour protection system has been virtually destroyed and bodies which previously dealt with labour protection matters are ineffectual. The corresponding services of ministries, departments, concerns and associations have been reduced to a minimum and even completely done away with. The technical labour inspectorates of trade unions do not have access to private, cooperative and other enterprises with non-State forms of ownership. Newly organized trade unions have no labour protection bodies. The financing of labour protection measures is being drastically reduced and material support for them is dwindling. Yet at the same time enormous amounts are being spent to finance various benefits and to compensate workers employed in dangerous conditions, such amounts considerably exceeding expenditure on the elimination of the dangers encountered in production.

60. The recent splitting-up of social insurance funds among the large number of trade union associations deprives citizens of various insurance guarantees and increases social tension. The absence so far of any State system for ensuring the application of social and labour guarantees is resulting in massive violations of labour legislation, particularly in the non-State sector of the economy.

61. The basic labour protection legislation of the Russian Federation, introducing economic machinery to regulate the labour protection activities of enterprises, was adopted in 1993 and a draft State programme for the protection and improvement of working conditions drawn up. Steps are also

being taken to draft new and redraft existing legislation and other enforceable enactments to reflect the new social and economic conditions and production relationships that have been created and to provide workers with better industrial clothing and footwear and other personal protection items. A State labour protection system is being created, comprising the Russian Federation's federal and republican units as well as the territorial, regional and other administrative and territorial units of the State labour protection service, the network of research institutes responsible for the scientific implementation of the labour protection decisions adopted and the State Labour Protection Inspectorate responsible for monitoring compliance with labour protection legislation, standards and regulations.

62. Presidential Decree No. 850 of 4 May 1994 on State supervision and the monitoring of compliance with the Russian Federation's labour and labour protection legislation states that, pending the adoption of the law on the State labour inspectorate, State supervision and monitoring of compliance with labour and labour protection legislation is to be effected by the Federal Labour Inspectorate attached to the Ministry of Labour and its subordinate State labour inspectorates in the republics, territories, regions, towns of federal importance, autonomous oblasts, autonomous okrugs, districts and towns.

63. The social insurance system for workers is being reorganized in order to provide social guarantees to persons working under contract and to develop forms of social insurance on an agreed basis. The compilation of a list of persons paying insurance premiums is to be speeded up. The new social insurance system is to be used as a basis for the development of an accident and occupational disease insurance system.

64. The stability of the minimum wage is ensured by regular reviews and indexation to the rate of inflation. Of fundamental importance in this respect is the Subsistence Level Law, which calls for a gradual increase in social guarantees (minimum wage and minimum pensions) up to the subsistence level.

65. The subsistence level, which constitutes the official criterion of poverty in Russia, is calculated using the method recommended and approved by the Ministry of Labour in 1992. These calculations are based on the standard statistical method, according to which the cost of a consumer basket is determined on the basis of minimum consumption (this basket was calculated by the Nutritional Institute of the Russian Academy of Medical Sciences and evaluated by WHO), expenditure on non-food items and services, as well as taxes and compulsory payments based on the outlays of 10 per cent of all protected families. In June 1994 the minimum wage amounted to 17 per cent of the subsistence level (34 per cent in December 1993). On 1 July 1995 the minimum wage was raised from 14,620 roubles to 20,500 roubles.

66. The social and labour situation reflects the fact that, in 1992, during the first stage of the radical economic changes being made, the main emphasis was placed on improving the country's financial condition and achieving macroeconomic stabilization. Social problems, notwithstanding the adoption of a number of stop-gap measures, were relegated to second place. This inevitably entailed considerable social expenditure. However, the decline in

the standard of living of the majority of the population and the aggravation of conditions in various branches of the social sector proved to be more far-reaching and prolonged than anticipated.

67. The structure of consumption is deteriorating in that expenditure on foodstuffs in relation to total consumer expenditure rose by 8 per cent in comparison to 1991. Yet at the same time consumption of meat, fish, milk, sugar, confectionery products and fruit declined by 10 to 20 per cent. The overall calorific value of foodstuffs consumed in 1993 reached the 1991 level. However consumption of more valuable protein products continued to decline and that of less nutritious carbohydrates increased. The share of products of animal origin in the total amount of products consumed declined from 35 per cent to 31 per cent.

68. Wage differentials became more pronounced - without justification in many cases - between various branches, categories of workers and areas of the country. Whereas up to 1991 the wages of 10 per cent of the most highly paid workers were about four times those of the lowest paid, the differential at the end of the year was 16. The gulf between the wages of workers in the State-funded and non-State-funded sectors widened. Only in December 1992, with the introduction of the Unified Wage Scale and an increase in wage rates for the first category above the minimum wage level, social guarantees in the non-State-funded sector and the basic rate for the taxation of the wage fund, was it possible to alleviate the situation to some extent. However, the unregulated increase in wages in the non-State-funded sector is considerably hampering the solution of this question.

69. The number of impoverished persons has increased. Approximately one-third of the population whose incomes could be accounted for lived below the subsistence level - a concept developed by the Russian Ministry of Labour to provide, in the context of the economic crisis, a provisional yardstick for measuring the minimum permissible level at which the essential needs of individual population groups are satisfied. The increase in the number of persons who were badly off was paralleled by various processes that resulted in the erosion of the middle classes. This increase in the number of poor brought about the depletion of regional funds for selective social assistance. The question of creating such funds arose in a number of regions.

70. One of the main steps taken by the Government to mitigate the social situation was to review periodically (about once per quarter) the minimum wage, pensions, allowances, wage rates and wage scales of persons employed in the State-funded sector. The measures adopted at the federal level were supplemented by various others adopted in the regions, particularly in respect of children, the disabled and low-income families. Social assistance funds were created for this purpose. All these measures helped to reduce social tensions to some extent. Yet the situation became more difficult during the course of the year, social problems accumulated, became more serious and persisted longer than anticipated.

71. In view of the situation prevailing in 1992, the Government adopted the Basic Social Policy Concepts for the Russian Federation in 1993, which heralded the transition to a comprehensive and integrated State policy in the social and labour spheres. The following main social policy goals and

priorities were defined for 1993, taking into account economic development prospects and on the basis of the steps taken to stabilize the economy:

Prevention of any further reduction in levels of living;

Greater State assistance for the most socially disadvantaged population groups;

Prevention of mass unemployment, which will not be allowed to rise above socially acceptable levels;

Improvement of labour relations and their impact on production;

Creation of a sound basis for the gradual improvement of the material circumstances and working conditions of various segments and groups of the population.

72. Measures aimed at attaining these goals were reflected in the general agreement concluded between all-Russian trade union associations, employers and the Government for 1993, in the plans of government activities, and in measures to implement the Presidential Decree of March 1993 on urgent measures to stabilize levels living in the Russian Federation in 1993 and that of April 1993 on supplementary measures to protect labour rights in the Russian Federation.

73. The minimum wage and wage rates in the first category of the Unified Wage Scale for persons employed in the State-funded sector were raised every quarter to stabilize levels of living. Similarly, social allowances and compensatory payments to families with children and certain other categories were increased, pensions were indexed to price changes, an arrangement for making compensatory payments to pensioners was introduced, and the material circumstances of members of the armed forces and their families were considerably improved. The pension system for members of the armed forces was reformed, and reduced public transport fares were introduced for badly-off persons living in areas of the far north and similar areas, as well as in other distant regions.

74. A variety of factors, such as the unwieldiness of the Russian tax system, which is regulated by almost 800 instruments adopted by the Ministry of Finance and the Tax Service, and the excessive nature of taxes call for its reorganization. The Government is considering the draft of new tax legislation, conscious of the fact that the tax base has to be broadened, privileges done away with and a solution found to a number of problems connected with tax collection and monitoring compliance with tax legislation. It is intended to protect the interests of persons with low incomes by increasing the income level at which no taxes are paid to the equivalent of two minimum wages per month. A supplementary 2-5 per cent federal income tax on natural persons is being introduced and taxation of members of the armed forces is being restored. Moreover, it is proposed that interest on bank deposits should be taxed. These changes are not of a far-reaching nature.

75. The increase in the income of the population and the wages of workers more or less corresponded to the increase in consumer prices in 1993. In the third and fourth quarters of 1993, however, price increases began to outstrip the increase in incomes.

76. The general situation remains rather complex. A number of trends, common to all countries experiencing the economic crisis, are apparent in the social sector. The main ones include a decline in the living standards of a considerable proportion of the population, a sharp increase in differences between the material circumstances of its various component segments and a contraction of social services, and particularly health, educational and cultural services. The living standards enjoyed by various segments of the population remain extremely varied. A rapid redistribution of incomes is taking place to the advantage of a small group of citizens, and income differentials are growing.

77. During certain months of 1993, the incomes of 27-35 per cent of the population, and especially those of families with children, pensioners and persons working in State-funded organizations were below the subsistence level. The incomes of the 10 per cent of the most well off were 10 times larger than those of the 10 per cent of the least well off, as against 7.5 to 8 times at the end of 1992 (the intermediate 10 per cent of best paid workers earned 27 times more than the worst paid workers at the end of 1993).

78. The measures taken by the Government to stabilize levels of living in 1993 brought about a slight improvement in incomes in comparison with 1992. Certain changes took place in the structure of consumer expenditure in 1993. Following the substantial increase in the proportion of expenditure on foodstuffs observed in 1992 (from 38.4 per cent in 1991 to 47.1 per cent in 1992), it declined slightly to 46.3 per cent. Consumption of sugar, vegetable oil and potatoes increased by 3 to 8 per cent. Measures to maintain the incomes of badly-off segments and groups of the population as well as periodic increases in the wages of persons employed in organizations financed under the budget, were taken within certain limits that made it possible gradually to reduce inflationary pressures due to increases in income.

79. Steps were also taken to promote employment in the event of possible mass lay-offs, and measures adopted to ensure the vocational rehabilitation of the disabled and to find jobs for them. The Russian Federation's Laws on refugees and on enforced migration were brought into force. The Russian Federation's Law on State guarantees and compensation for persons working and living in areas of the far north and similar areas was also adopted. In May 1994, the Government adopted Order No. 431 on measures to provide employment should a critical situation arise on the labour market in various regions of the Russian Federation.

80. Regional administrative bodies were given a greater say in the implementation of social policy. Programmes for the social protection and support of segments of the population which, owing to reasons beyond their control, find themselves in difficult straights, have been drawn up in most regions and are being carried out.

81. Considerable income differentials are apparent at the regional level. Average per capita income in the Magadanskaya oblast is 3.5 times higher than the average for the Russian Federation, but in the Voronezhskaya and Penzenskaya oblasts it is two-thirds of the average Russian level. The redistribution of cash incomes from the western and southern regions to the northern and eastern regions is gradually taking place. These differentials are to a great extent explained by prevailing regional differences in the cost of living. A study and analysis of living standards reveals that monthly minimum living standards were the highest in the far eastern, northern and west Siberian regions. One of the most expensive towns in the country is Moscow, where the prices of basic goods and services considerably exceed those in other towns of the European part of Russia, the central regions and the southern part of Siberia.

82. Minimum wages and category 1 wage rates of the Unified Wage Scale for workers employed in the State-funded sector remain considerably below the subsistence level. Even at the time these rates were reviewed, they were only about 30-40 per cent of the subsistence level for an able-bodied person. The relationship between minimum pensions and the subsistence levels of pensioners was somewhat better (84-99 per cent at the time minimum pensions were increased). However, this figure declined by 10-36 per cent in the course of each quarter owing to increases in consumer prices.

83. In 1993, changes in wage levels in the non-State-funded sector of the economy were influenced by a number of factors whose impact was clearly apparent even in the first year of the economic reform. In the national economy as a whole and in the overwhelming majority of its branches it proved impossible to reverse the decline in the volume of output, which was due above all to the disruption of economic relationships and the regularity of supplies, as well as an increase in reciprocal indebtedness. The abandonment of previous planning procedures in no way led to the emergence of suitable new ways and means of promoting production efficiency in the context of changing economic conditions of the market type. As a result, production efficiency in general as well as specific indicators of efficiency, such as those in respect of labour productivity, resource savings and the quality of production are matters that no longer attract attention at enterprises. The relationship between wages and labour efficiency is thereby destroyed, and wages cease to perform their basic function of motivating workers and acting as a financial incentive.

84. An analysis of wage trends in 1993 by branches of industry reveals that previous structural disproportions and wage differentials remained unchanged. As in the past, the highest wages were paid to workers in the fuel and power sector, the fisheries industry and metallurgy. This is quite obvious if their wages are compared with average monthly wages in industry as a whole. In December 1993, for example, wages in the fuel and power sector were almost twice as high as average wages in industry, almost 1.5 times higher than in the metallurgical sector and 1.6 times higher than in the fisheries industry. The highest monthly wages were those in the gas industry, where they were twice as high as in the fuel and power sector as a whole. The lowest wages in production branches are those in light industry where they are 59 per cent of the wage level in industry as a whole, and in the mechanical engineering and

metalworking industries (71 per cent). Wages in the educational and health sectors in October amounted to 58-65 per cent of average industrial wages.

85. Unjustified wage differentials at enterprises are apparent in the steadily widening gap between the earnings of managers, specialists and workers. Managers of enterprises earn 3-5 times more than specialists and 12-15 times more than ordinary workers. Sample surveys of the earnings differentials of persons employed indicate that the best paid earned 20-25 times more than the worst paid.

86. In present conditions, increases in wages are to a great extent determined not by the amount of work done and the end results of production but by changes in consumer prices for goods and services. Wages are being deprived of their rational basis, and possibilities of using economic incentives to increase production efficiency and introduce market relationships are being undermined.

87. The new sectors of the economy that are emerging are for the first time creating conditions conducive to the unrestricted mobility of workers between various sectors according to market conditions. At the same time, however, the transition to a system of employment that operates on the basis of market principles is increasing the number and nature of the problems being encountered. The annual average number of persons employed in various branches of the economy declined in the first half of 1993 in comparison with the corresponding period of 1992 by 2.5 million (by 4.1 per cent). Yet this reduction did not correspond to the decline in the volume of production, since changes in the number of persons employed in various branches of industry are determined above all by wage levels: employment is increasing in branches where wages are considerably above the average for industry as a whole (fuel and power sector) and declining where wages are lagging (light industry, and the engineering and petrochemical industries).

88. In the major branches of the economy the largest decline in employment is taking place in science and its supporting industries, construction and trade. On the other hand, significant growth is being maintained in the administrative, credits and State insurance branches.

89. As in the past, the main way in which enterprises lose workers is through staff turnover, the ratio between workers laid off and those who quit at their own request being 1:11 at the end of 1993.

90. During 1993 enterprises lost 10.1 million workers as a result of lay-offs and those leaving at their own request. The number of persons applying for work with the employment service was five times lower. In the course of 1993, 12 million workers were taken on by enterprises, and during this period, the employment service found jobs for 900,000 (7 per cent of the total). Moreover, the ratio between the number of unemployed and the number of vacancies rose up to January 1993, after which it began to decline. In August it stood at 1:6. In other words, the bulk of the labour market is beyond the control of the employment service.

91. In present conditions, the extent of lay-offs is determined above all by the desire of employers to ensure acceptable wage levels in the context of increasing inflation.

92. The managers of a number of the enterprises covered by the survey are doing everything in their power to keep their workforce. For example, they are allowing workers to work part-time (incomplete day or week), to take unpaid leave, etc. They are able to do this because the economic situation enables them to shift the burden of steadily increasing production costs due to increases in wages and the inefficient use of labour onto the consumer.

93. In 1993 the problem of choosing between real employment and unemployment was pinpointed for the first time in enterprises.

94. According to the figures of the Russian State Committee on Statistics, concealed unemployment is on the rise in enterprises and organizations. At the end of 1993, about 4 million persons, or over 5 per cent of the total number employed, were working a shortened day or week or were on leave on the initiative of management.

95. The increase in so-called concealed unemployment is one of the most serious and dangerous consequences of the social and economic crisis in the country. This is because, in certain circumstances, concealed unemployment can rapidly become real unemployment.

96. The total number of persons without work and actively seeking jobs as well as those not working full time (potential unemployment) at the end of 1993 was 8.1 million, or 11.4 per cent of the economically active population. Of this number, 4.1 million (5.5 per cent) can be classified as unemployed using estimates based on ILO methodology. According to the figures of Russia's Federal Employment Service, 835,000 persons or 1.1 per cent of the economically active population are officially recognized as being unemployed at the present time.

97. Radical changes in the State's tax and credit policy could upset the existing balance and lead to a catastrophic rise in real unemployment.

98. The solution of the employment problem at individual enterprises depends on the effectiveness of the existing system for the training, retraining and advanced training of production workers. An analysis of what is being done at industrial enterprises reveals a patchy pattern in this connection. During the first half of 1993 between 6 and 18 per cent of workers employed by enterprises in the building materials, local industry, chemical and food industry sectors received training or retraining. These figures were even lower at enterprises in the mechanical engineering, ferrous metallurgical and transport sectors.

99. Not all employers have yet understood the need to break out of the situation prevailing in production branches by upgrading the vocational skills of their workers so that they can be used in the near future to bring about structural changes and increase efficiency. The federal programme being drawn up at the present time to assist enterprises in training their production workers will be based on the solutions found to this problem at specific

enterprises in Russia and abroad. Under this programme, traditional centralized measures will be abandoned and the task of gathering information about and disseminating experience with the organization of labour, production and management assigned to a semi-State body, namely, the Staff Development Association (taking into account the experience and with the assistance of the German REFA).

100. The social partnership system has not yet developed fully in Russia. This is explained above all by legislative shortcomings, the absence of real owners, the fact that the trade unions are not prepared to assume responsibility for improving the efficiency of the workforces of enterprises, as well as the inadequate coordination of the activities of the social partners. The Law adopted by the Russian Federation on collective agreements is incomplete and fails to offer the possibility of providing the necessary social guarantees in labour relationships.

101. At the federal level, the All-Russian Association of Trade Unions, employers and the Russian Government recognized, in a general agreement covering 1993, that the tasks that had to be tackled as a matter of priority included preventing a decline in production and strengthening the State's ability to regulate processes that could stabilize the social and economic situation. Yet machinery for the implementation of these tasks has yet to be devised at the branch level. It is therefore proposed to amend legislation regulating the social partnership system, to define more clearly the status of the tripartite commissions and of representatives of workers and employers (unions and associations but not ministries).

102. A system for the timely settlement of collective labour disputes is being introduced. Services of this kind have been organized at the federal level and in 11 regions of Russia.

103. Information on what is being done to promote equal opportunities for promotion is contained in Russia's National Report submitted to the Fourth World Conference on Women: "Action for Equality, Development and Peace".

104. Guarantees of the right to rest are embodied in article 37, paragraph 5, of the Constitution, which states that "Everyone shall have the right to rest. For those working under labour contracts the duration of work time, days of rest and public holidays and annual paid leave established by federal law shall be guaranteed". These matters are dealt with in chapter V, entitled "Rest", of the Labour Code. The right of servicemen to rest is governed by article 11, entitled "Duty hours and the right to rest", of the Law on the status of members of the armed forces and also in connection with freedom of conscience and religion dealt with in article 8 of this Law.

Trade union rights (art. 8)

105. Guarantees of the right of association in trade unions are embodied in article 30 of the Constitution:

> "1. Everyone shall have the right of association, including the right to establish trade unions for the protection of their interests. The freedom of activity of public associations shall be guaranteed.

"2. Nobody may be compelled to join any association or to stay there."

This right is given effect in accordance with the USSR Law of 9 October 1990 on public associations in the USSR, which is in force in Russia, and with the Order of 25 January 1991 of the Supreme Soviet of the RSFSR on the registration of the statutes of political parties, trade unions and other public associations in the RSFSR.

106. The activities of trade unions are also governed by the Labour Law and specifically by chapter XI, entitled "Trade unions. Participation of workers in the management of enterprises, establishments and organizations", as well as by other labour legislation. For example, the Law on collective agreements and the Law on trade unions of 11 March 1992 grant trade unions the right to participate in collective bargaining on behalf of workers with a view to the preparation, conclusion and amendment of collective agreements.

107. The Basic Social Policy Concepts of the Government of the Russian Federation for 1994 are intended to define more clearly the status of tripartite commissions that are prepared to improve their efficiency and to create machinery for taking into account constructive proposals submitted by the partners in drawing up enforceable enactments regulating labour relationships.

108. Special conditions governing participation in trade union activities have been laid down for certain categories of persons. For example, under article 9, paragraph 2, of the Law on the status of members of the armed forces, servicemen can be members of public associations not pursuing political objectives and participate in their activities when not on duty.

109. Guarantees of the constitutional right of workers to strike is now embodied in the USSR Law on procedures for the settlement of labour disputes, which was brought into force on 20 May 1991. This Law establishes procedures for the settlement of collective labour disputes connected with the introduction at enterprises, establishments and organizations of new or the amendment of existing social and economic labour and housing conditions, the conclusion and implementation of collective agreements and other agreements between the administrations of enterprises, establishments and organizations on the one hand and the workforce or trade union on the other.

110. Limitations of this right can be imposed only in accordance with the Law. For example, strikes may be prohibited for the duration of a state of emergency under article 22 (g) of the Law on states of emergency.

111. Russian legislation contains no restrictions concerning the formation of national federations or confederations of trade unions.

The right to social security (art. 9)

112. This right is guaranteed in article 39 of the Constitution:

"1. Everyone shall be guaranteed social security for old age, in case of illness, disability and loss of the bread-winner, for the bringing up of children and in other cases specified by law.

"2. State pensions and social benefits shall be established by law.

"3. Voluntary social insurance, the creation of additional forms of social security and charity shall be encouraged."

113. Chapter XI of the Labour Code, entitled "State social insurance"; which makes such insurance compulsory for all workers, indicates how premiums are to be paid, the types of protection provided under State social insurance and procedures for the payment of allowances and pensions.

114. Presidential Decree No. 667 of 6 April 1989 on the main features of State policy concerning compulsory insurance, adopted on the basis of the Law on insurance, indicated a number of conditions in this respect and specifically the priority to be attached to those forms of compulsory insurance which are directly intended to protect the rights and freedom of the individual and citizen, as guaranteed by the Constitution.

115. Parliament has adopted a decision on the creation of a federal medical insurance fund and approved the Statute of the territorial compulsory medical insurance fund.

116. As regards social security coverage in the event of temporary incapacity, workers receive benefits from the State social insurance fund if they are temporarily incapable of working (art. 239, para. 1 of the Labour Code of the Russian Federation). Temporary incapacity benefits are paid in respect of illness, occupational or other injuries, including off-the-job injuries, and also if the worker concerned is caring for a sick member of his family, and in cases of quarantine and when artificial limbs have to be provided (first part of art. 239 of the Labour Code). Conditions governing the payment and amount of benefits from the State social insurance fund are laid down in article 240, paragraph 1 of the Labour Code.

117. A law of this nature has yet to be adopted in the Russian Federation. What is applied at the present time is the legislation of the former USSR on basic conditions for paying benefits under the State social insurance system, approved by the Order of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions of 23 February 1984, as subsequently amended and supplemented, and the Regulations on the payment of benefits by the State social insurance system, approved by the Order of the Presidium of the All-Union Central Council of Trade Unions of 12 November 1984.

118. Benefits in respect of temporary incapacity to work are, as a rule, paid if the right to such benefits was acquired during the period of employment, including the probationary period and the day of dismissal (art. 3 of the basic conditions). These benefits are paid from the first day of the worker's incapacity until he is capable of working again or up to the establishment of invalidity by an Industrial Disease/Injury Commission of Experts, even if the worker was discharged at that time (para. 9 of the basic conditions). In certain cases, however, the period during which benefits are paid in respect of temporary incapacity is reduced. For example, benefits in respect of off-the-job injuries are paid beginning on the sixth day of incapacity. On the other hand, if the injury is the result of a natural disaster (earthquake,

flood, hurricane, etc.) or an anatomical abnormality of the victim, benefits are as a rule paid for the entire period of incapacity (para. 14 of the basic conditions).

119. Manual and office workers employed on a seasonal and temporary basis are paid benefits in respect of temporary incapacity due to industrial injuries or occupational diseases in the normal manner, although benefits in respect of temporary incapacity due to other causes are paid for a period not exceeding 75 calendar days (para. 22 of the basic conditions).

120. Allowances for persons caring for a sick family member are paid for not more than three calendar days. This period may be extended only in exceptional cases, depending on the seriousness of the illness of the family member and household circumstances, but for not more than seven calendar days in all.

121. Allowances for persons caring for a sick child below the age of 14 are paid during the period when the child needs care, but for not more than 14 calendar days (para. 18 of the basic conditions).

122. Benefits payable in respect of temporary incapacity due to an industrial injury or occupational disease are equivalent to the full wage and in other cases between 60 and 100 per cent of the wage, depending on the length of uninterrupted service, the number of under-age children and other circumstances (art. 239, para. 2 of the Labour Code).

123. Minimum benefits in respect of temporary incapacity are fixed at 90 per cent of the minimum wage (art. 239, para. 3 of the Labour Code).

124. The relationship between the level of benefits in respect of temporary incapacity and the length of service and other circumstances is specified in the basic conditions for the payment of benefits under the State social insurance system. For example, under article 35 of these conditions, apart from cases of industrial injury and occupational disease, benefits in respect of temporary incapacity amounting to 100 per cent of the wage are paid to workers with uninterrupted service of eight and more years; to the disabled of the Patriotic War veterans and other disabled persons on an equal footing; to workers responsible for the maintenance of three or more children under 16 years of age (if students, under 18 years of age), with the exception of workers whose period of continuous service was interrupted because they were fired during the previous eight years for the commission of offences which, under the law, are grounds for dismissal.

125. Benefits amounting to 80 per cent of the wage are paid to workers with uninterrupted service of five to eight years. Those with uninterrupted service of up to five years receive 60 per cent of their wage.

126. In June 1994 the Government approved procedures governing the payment of allowances to able-bodied persons who are not employed but care for persons who are incapable of working. These allowances amount to 60 per cent of the minimum wage.

127. Maternity benefits in the amount of the full wage are paid during the entire period of maternity leave, both before and after the birth (art. 240 of the Labour Code). According to article 165 of the Labour Code, maternity leave begins 70 calendar days before the birth (86 days before in cases of a complicated birth and 110 in the case of the birth of two or more children) and 70 calendar days after the birth.

128. Unemployment benefits. Able-bodied persons without work and not receiving wages (labour earnings), living in the territory of the Russian Federation, registered with the Russian Federation's State Employment Service, looking for suitable jobs and prepared to take on such jobs are recognized as being unemployed and therefore entitled to State-guaranteed material support in the form of unemployment benefits.

129. The procedures for determining the amount of the unemployment benefit and conditions and times of its payment, for extending the period during which the benefit is paid, as well as cases in which its payment is interrupted or stopped, are set out in articles 33-38 of the RSFSR Law of 19 April 1991 on employment in the Russian Federation, as subsequently amended (Gazette of the Congress of People's Deputies of the RSFSR and the Supreme Soviet of the RSFSR, 1991, No. 18, p. 565, 1992, No. 34, p. 1974).

130. A condition that has to be satisfied before a person is recognized as being unemployed and before unemployment benefits are calculated and paid is that he must have registered with the unemployment service in the place where he lives with a view to seeking suitable employment. Matters connected with the payment of unemployment benefits are dealt with in greater detail in the Regulations on the registration of unemployed persons and conditions for the payment of unemployment benefits, approved by the Government Order of 17 November 1992 (Collection of Enactments of the President and Government of the Russian Federation, 1992, No. 23, p. 1966). In accordance with these Regulations, the decision to pay unemployment benefits is taken by the employment centre at the same time as it recognizes the person concerned as being unemployed on the basis of his personal declaration (art. 19 of the Regulations). Unemployment benefits are paid not less than twice a month provided that the unemployed person re-registers and not less than twice a month at the times indicated by the employment centre (art. 26 of the Regulations).

131. The amount of the unemployment benefit varies, depending on the category of the person recognized as being unemployed in accordance with established procedure. For example:

A person discharged by an enterprise for any reason (including disabled persons in group III) during the 12 months preceding the beginning of unemployment and having had during this period paid work lasting not less than 12 calendar weeks on the basis of a full working day (week), or on the basis of a shortened working day (week) equivalent to 12 calendar weeks of full working days, will receive unemployment benefits for the first three months in the amount of 75 per cent of his wage during the last two months at his most recent place of work, 60 per cent during the next four months, and subsequently 45 per cent; in no cases, however, are the unemployment benefits paid less than the

minimum wage fixed by the legislation of the Russian Federation or higher than the average wage in the republic comprising the Russian Federation, territory, oblast, autonomous oblast, autonomous okrug and the towns of Moscow and St. Petersburg;

A person dismissed by an enterprise for any reason but not having had paid work for 12 weeks during the 12 months preceding his unemployment will receive unemployment benefits equivalent to the minimum monthly wage fixed by the legislation of the Russian Federation;

Persons seeking employment for the first time or endeavouring to find work after a prolonged (over one year) interruption, receive unemployment benefits equivalent to the minimum wage fixed by the legislation of the Russian Federation (para. 28 of the Regulations).

132. The period for which unemployment benefits are paid may not exceed a total of 12 calendar months during a period of 18 calendar months, except in the cases provided for by the Russian Federation's Law on employment in the Russian Federation (art. 35 of the Regulations). The payment of unemployment benefits may be interrupted or terminated only for the reasons indicated in these Regulations.

133. As regards compensation by employers for impairment of the health of workers in the performance of their work, employers are responsible, under the legislation of the Russian Federation, for any impairment of the health of workers as a result of industrial injuries. Grounds for liability, forms of compensation, procedures for the examination of the statements of victims and the payment of compensation for the impairment of their health are set out in the Civil Code and the regulations on compensation payable by employers for the impairment of the health of workers as a result of industrial injuries, occupational diseases or other work-related injury to their health, approved by the Order of 24 December 1992 of the Supreme Soviet of the Russian Federation (Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, 1993, No. 2, p. 71).

134. As regards the grounds for the employer's liability for the impairment of a worker's health, the above-mentioned Regulations state that the employer is required to compensate in full the injury caused to the health of a worker in the performance of his work if such work is particularly dangerous (art. 454 of the Civil Code), if he is unable to demonstrate that the injury was caused by an act of God or the victim's negligence. If the impairment of the worker's health was not due to particularly dangerous working conditions, the employer is not required to pay compensation provided that he proves that the injury was not caused by his fault (art. 3 of the Regulations).

135. An industrial injury is regarded as being caused by the fault of the employer (art. 3, para. 2 of the Regulations) if it occurred as a result of failure to provide healthy and safe labour conditions (failure to comply with regulations concerning labour protection, safety measures, industrial health, etc.) - article 4 of the Regulations.

136. If gross negligence on the part of the victim contributed to the injury or aggravated it, the compensation payable is reduced by an amount corresponding to the degree of negligence of the victim. In cases of gross negligence on the part of the victim and absence of any fault on the part of the employer when he is regarded as liable regardless of fault (art. 3, para. 1 of the Regulations), the amount of the compensation is also reduced accordingly. In this case refusal to pay compensation for any injury caused is not countenanced.

137. The conclusions reached by the trade union committee of the enterprise, establishment, organization or by another representative body authorized for this purpose by the workers are taken into consideration in determining the extent of the victim's negligence.

138. Joint responsibility is not applicable in respect of additional forms of compensating for any injury incurred, in the payment of lump-sum benefits or in compensating for injury in connection with the death of a breadwinner (arts. 7, 21, 24, 27 and 29 of the Regulations).

139. Reparation for an injury consists in the payment to the victim of a sum of money equivalent to his wage (or a proportion of his wage), depending on the degree of incapacity brought about by the industrial injury; compensation for additional expenses; the payment, in specific cases, of a lump sum; and the restitution of moral injury (art. 8 of the Regulations).

140. The amount of money payable as compensation for an injury, compensation for additional expenditure and the lump sum payable under these Regulations may be increased by agreement between the parties or on the basis of a collective agreement (art. 10 of the Regulations). The amounts payable as compensation for injury must be indexed to the rise in the cost of living in accordance with the procedure laid down by law. If the minimum wage is increased by the central authorities all the amounts payable as compensation for wages are increased in proportion to the increase in the minimum wage (art. 11 of the Regulations).

141. The pension legislation of the Russian Federation provides for the payment of labour and social pensions.

142. Labour pensions are fixed in relation to a person's labour or other socially useful activity. These pensions are of the following kind:

Old-age pensions (depending on age);

Disability pensions;

Pensions paid in the event of the loss of the breadwinner; and

Pensions paid at the end of a term of service.

143. Old-age pensions are established either on a general basis or a preferential basis (in connection with particular working conditions or with work in the Far North). Old-age pensions fixed on a general basis are payable to men at the age of 60 with a total length of service of not less than

25 years and to women at the age of 55 with a total length of service of not less than 20 years. Old-age pensions fixed on a preferential basis (a lower pensionable age and a shorter total length of service) are payable to certain categories of persons such as disabled veterans and other comparable disabled persons, disabled persons in group I (for reasons of eyesight), and others. Old-age pensions based on particular working conditions (entailing a reduction in the normal statutory pensionable age) are fixed for certain categories of persons working underground, in harmful conditions, in hot shops, doing work that is more intensive and difficult than usual, etc.

144. Pensions in connection with work in the Far North are payable to men at the age of 55 and to women at the age of 50, provided that they have worked not less than 15 calendar years in regions of the Far North or not less than 20 calendar years in comparable regions and have a total length of service of 25 and 20 years respectively.

145. Old-age pensions are payable in the amount of 55 per cent of the wage and in addition are increased by 1 per cent of the wage for each full year of the total length of service in excess of that giving entitlement to a pension. The amount of the pension cannot, however, exceed 75 per cent of the wage.

146. The minimum pension payable in respect of a total length of service equivalent to that giving entitlement to the pension was 19,000 roubles a month on 1 May 1994.

147. The maximum pension payable in respect of a total length of service equivalent to that giving entitlement to a full pension was fixed at three times the minimum old-age pension level, i.e. 57,000 roubles from 1 May 1994, and pensions payable in connection with underground work, work in harmful conditions and hot shops were fixed at 3.5 times that level, i.e. 66,500 roubles from 1 May 1993.

148. Minimum and maximum pensions are increased by 1 per cent for each full year of the total length of service exceeding that giving entitlement to a pension, but by not more than 20 per cent.

149. Increments in addition to the old-age pension are payable:

In respect of care for a pensioner if he is a disabled person in group I, if, in the opinion of the medical establishment, he requires constant outside care (assistance supervision) or if he has reached the age of 80; and

In respect of dependants who are unable to work and do not receive a pension of any kind. Increments in respect of dependants who are unable to work are paid to pensioners who are not working.

150. The legislation in force provides for the payment of normal disability pensions, namely, disability pensions payable as a result of an industrial injury or occupational disease and disability pensions as a result of ordinary illness. Disability pensions payable in respect of an industrial injury or occupational disease are paid regardless of the length of service. Disability

pensions in respect of ordinary illness are payable only if the person concerned has worked for a certain period of time before his disability occurred, and depending on his age.

151. The pensions of disabled persons in groups I and II amount to 75 per cent of their wage and those of persons in group III to 30 per cent of their wage, although in no case may the pension be less than the minimum pension payable namely, 19,000 roubles (the minimum old-age pension level) from 1 May 1994 to disabled persons in groups I and II, and 12,664 roubles (two thirds of the minimum old-age pension) to disabled persons in group III.

152. The maximum disability pensions for persons in groups I and II are fixed at the maximum old-age pension level which, from 1 May 1993, was 57,000 roubles, and disability pensions for persons in group III are set at the minimum old-age pension level, namely, 19,000 roubles.

153. The minimum and maximum disability pensions for persons in groups I and II are increased by 1 per cent for each full year of the total period of service exceeding that giving entitlement to an old-age pension, but by not more than 20 per cent.

154. Increments in addition to the disability pensions of persons in groups I and II are payable:

In respect of care provided to a disabled person in group I or who, in the opinion of a medical establishment, requires constant outside care (assistance, supervision) or if he has reached the age of 80. The increment amounts to two thirds of the minimum old-age pension, namely, 12,664 roubles from 1 May 1994; and

In respect of dependants who are unable to work do not receive a pension of any kind. In this case the increment is also 12,664 roubles, except where it is payable to a dependant who is unable to work and is a disabled person in group III. The increment for a dependant of this kind is 9,500 roubles (one half of the minimum old-age pension).

155. The legislation in force provides for the payment of a pension in respect of the loss of the breadwinner on a general basis if his death occurred as a result of an industrial injury, an occupational disease or ordinary illness. A pension in respect of the loss of the breadwinner as a result of an industrial injury or occupational disease is payable regardless of the breadwinner's length of service. The pension payable in respect of the loss of a breadwinner as a result of ordinary illness is fixed in relation to the period for which the breadwinner worked (and depending on his age). Pensions payable in respect of the loss of a breadwinner are fixed at 30 per cent of the breadwinner's wage for each family member who is unable to work, and for each child who has lost both parents or a single mother at 1.5 times the minimum old-age pension, namely, 28,500 roubles from 1 May 1994.

156. The minimum pension payable in the event of the loss of a breadwinner to each family member who is unable to work was 12,664 roubles from 1 May 1994

(two thirds of the minimum old-age pension). The maximum pension is fixed at the minimum old-age pension level, namely, 19,000 roubles from 1 May 1994 for each family member who is unable to work.

157. An increment is payable in addition to a pension for the loss of a breadwinner in respect of providing care for a pensioner if he is a disabled person in group I, requires constant outside care (assistance, supervision) in the opinion of a medical establishment, or has reached the age of 80. The legislation in force also provides for the payment of a pension on the basis of the number of years worked. These pensions are payable to persons performing specific types of work:

Work at underground or opencast mines;

Work in civil aviation and in aircraft testing;

Teaching in schools and other children's establishments;

Medical and other work entailing the protection of public health;

Artistic activities in theatres and other premises providing visual entertainment; and

Work on fishing vessels (river and sea-going vessels).

158. Pensions payable at the end of a term of service to workers employed at underground or opencast mines are fixed at 75 per cent of the wage. Those payable at the end of a term of service to other categories of workers are fixed at 55 to 75 per cent of their wage, depending on the number of full years worked. The minimum pension payable at the end of the term of service is fixed at the minimum old-age pension level, namely, 19,000 roubles from 1 May 1994. The maximum pension is equivalent to three minimum old-age pensions, namely, 57,000 roubles from 1 May 1994, and for persons employed in civil aviation and aircraft testing to 3.5 times the minimum old-age pension, namely, 68,500 roubles from 1 May 1994. The minimum and maximum pensions are increased by 1 per cent for each full year worked (or of services rendered) in excess of the number giving entitlement to the pension, but by not more than 20 per cent. No increments are added to pensions payable at the end of a term of service.

159. The Russian Federation has no schemes for the payment of additional pensions. Presidential Decree No. 1077 on non-State pension funds was adopted on 16 September 1992, and a number of enactments on implementation procedures are being drawn up.

160. There are no population groups that are not entitled to a pension.

161. The following enforceable enactments concerning the right to a pension were adopted during the 1993-1994 period:

The Russian Federation Law on pensions for the parents of deceased servicemen called up to do their military service (on the right to a

pension - owing to the loss of the breadwinner - of the parents of a person called up to do his military service) was adopted on 21 May 1993;

The Russian Federation Law on the payment of pensions to citizens leaving the Russian Federation to take up permanent residence abroad (on the right to receive abroad pensions payable in the territory of the Russian Federation in the event of departure from the Russian Federation) was adopted on 2 July 1993;

The Presidential Order on increasing pensions in accordance with article 110 (g) of the Law of the RSFSR on State Pensions in the RSFSR for citizens born before 31 December 1931 (on increasing by 50 per cent the minimum old-age pensions of this category of citizens) was adopted on 10 December 1993; and

The Federal Law on the amendment of article 110 of the Law of the RSFSR on State Pensions in the RSFSR (on increasing minimum old-age pensions by 100 per cent for inhabitants of the blockaded city of Leningrad) was adopted on 10 June 1994.

Protection of the family (art. 10)

162. In accordance with articles 7, 19 and 38 of the Constitution of the Russian Federation, the family, mothers and children in the Russian Federation are protected by the State; men and women in the family have equal rights and obligations; and the State provides support for motherhood, fatherhood and childhood.

163. The basic enforceable enactment which at the present time regulates marriage and family relationships is the Code on Marriage and the Family of the RSFSR, adopted on 30 July 1969, according to which care for the family is one of the State's most important tasks.

164. Under the Russian Federation's civil legislation, full legal capacity is acquired when a person reaches legal age, namely, 18. Minors of 15 to 18 years of age (from 14 years of age in the draft of the new civil code) have the right to conclude civil law contracts with the permission of their parents, adoptive parents or guardians, but can independently make deposits with credit agencies and use such deposits in accordance with the law (arts. 13 and 14 of the Civil Code of the RSFSR). The age of marriage is 18. However, in the cases provided for by law it can be lowered, but by not more than two years. In such cases full legal capacity is acquired at the time the marriage is celebrated (art. 11 of the Civil Code of the RSFSR and art. 15 of the Code on Marriage and the Family of the RSFSR).

165. The mutual consent of the future spouses is required before a marriage can be contracted. If this condition is not satisfied the marriage is declared null and void by the courts (arts. 15, 43 and 44 of the Code on Marriage and the Family of the RSFSR).

166. Legislation on marriage and the family as well as civil legislation has to be brought up to date in the context of changing social and economic relationships; steps are already being taken to draft new legislation on

marriage and the family. The Government of the Russian Federation has set up a commission to coordinate activities connected with the implementation of the Convention on the Rights of the Child and the Universal Declaration on the Protection and Welfare of Children in the Russian Federation. This commission has examined various questions such as measures to make good shortcomings and improve procedures governing the adoption of Russian children by foreign citizens, the legal protection of children and the status of the family in the Russian Federation.

167. Progress is being made with the drafting of an order of the Government of the Russian Federation on the approval of procedures for the adoption of orphans and children, deprived of the care of their parents who are citizens of the Russian Federation, by the citizens of other States, as well as provisions on entrusting Russian children deprived of parental care to the citizens of other States for adoption.

168. Other studies are also being carried out in this sphere (protection of the rights of minors in the event of the alienation of privatized housing etc.) in connection with the improvement of juridical, marital and family relationships.

169. Further information on this subject is contained in the report on the status of the family in the Russian Federation, prepared in 1994 by the National Council for the Celebration of the International Year of the Family in the Russian Federation and the Russian Federation's national report on population problems (see para. 199 of this report).

The right to an adequate standard of living (art. 11)

170. The guarantees in this connection are set out in article 7 of the Constitution:

> "1. The Russian Federation shall be a social State, whose policies shall be aimed at creating conditions which ensure a dignified life and free development of man.
>
> "2. The Russian Federation shall protect the work and health of its people, establish a guaranteed minimum wage, provide State support for family, motherhood, fatherhood and childhood, and also for the disabled and for elderly citizens, develop a system of social services and establish government pensions, benefits and other social security guarantees."

171. The most serious feature of the present economic situation of Russia's population is the sharp drop in the real incomes of the majority and the decline in levels of living that this and other factors have brought about.

172. The population's money savings have lost virtually all their value. This situation is particularly hard on pensioners as well as the population of the northern regions of the country. Moreover, the problem of indexing the savings deposits of the population has not yet been solved.

173. Another characteristic feature of the present period are the huge income differentials between segments of the population. In 1993 the number of people with an aggregate per capita income below the officially established subsistence level remained stubbornly stable (up to 30 per cent). Moreover, 5 per cent of this 30 per cent is accounted for by families with incomes below the physiological subsistence minimum. According to the calculations of Russia's State Committee on Statistics, the subsistence level in January 1993 was 5,500 roubles; in May 1993, 12,900 roubles; in February 1994, 54,800 roubles; and in March 1994, 60,400 roubles. In the first quarter of 1994, 25.2 million persons or 17 per cent of the population had incomes below the subsistence level. The position of the unemployed among persons with minimum incomes is particularly difficult. Official records of the number of unemployed have been kept in Russia since 1991. At the end of 1993, 836,000 unemployed were registered and of this number 64.7 per cent were receiving unemployment benefits. Over one third of the unemployed had been laid off by enterprises, establishments and organizations because of liquidation, reorganization and staff cuts; 71.9 per cent of the unemployed were women and of this number 60 per cent had a higher and secondary specialized education.

174. In 1993 average per capita real money incomes rose slightly in comparison with 1992 - by 9 per cent according to the report of Russia's State Committee on Statistics. Indirect confirmation of this increase (or at least of the stabilization of average per capita real incomes) was offered by figures reflecting an increase in the purchasing power of families with an average per capita money income. In January 1992 a minimum consumer basket comprising 18 basic foodstuffs accounted for 78 per cent of average money income, 53 per cent in January 1993 and 28 per cent in December 1993.

175. Although average per capita real incomes rose by 9 per cent in 1993, it should be borne in mind that the base year used was 1992, when levels of living and incomes plunged owing to the liberalization of prices. A repetition of 1992 would, more than anything else, have catastrophic consequences for the country. For this reason it would be better to say that what happened in 1993 was that incomes appeared to be stabilizing at the lowest possible crisis level in a context of increasing social stratification.

176. The Basic Social Policy Concepts for the Russian Federation in 1994, approved by Order No. 747 of 6 May 1994, were designed to provide social protection for the most vulnerable segments of the population.

177. The attention of society as a whole is at the present focused on the situation of the badly off (poor) segments of the population in Russia. The official poverty criterion in the Russian Federation is the subsistence level (51,700 roubles in January 1994).

178. The Russian Federation's Ministry of Labour has circulated to the various regions methodological recommendations for calculating the subsistence level, as well as a model regional programme for the social protection of the population. These documents enabled the authorities to organize targeted social assistance for badly off segments of the population.

179. An analysis of the distribution of the population by income levels reveals that, at the present time, about one third of Russia's population consists of families in which the income per family member is below the subsistence level; in other words this proportion showed virtually no change in 1992-1993. The subsistence level (the upper poverty threshold) for December 1993 was fixed at 42,800 roubles per person per month. Some 33 million Russian citizens, or 22 per cent of the population, are below this level. However, these figures do not take into account incomes from a second job, foodstuffs grown at home or services in the shadow economy. This situation is a source of concern for Parliament, the Government and society alike.

180. Generally speaking, social assistance is provided to socially vulnerable segments of the population whose aggregate average per capita family income is below subsistence level, which is calculated each month. This category includes large families; broken families; single pensioners; families with disabled children; and pregnant women and nursing mothers. According to figures obtained in a household survey carried out throughout Russia, the number of poor households with children up to six years of age account for 40 per cent of the total and large families with three and more children for 72 per cent of the total.

181. Social assistance is provided mainly in the form of cash grants, assistance in kind, free services etc.

182. A draft law on the subsistence level in the Russian Federation has been drawn up and envisages a gradual increase in minimum State social guarantees (minimum wage, minimum pensions, etc.) up to the subsistence level. This draft law also enables citizens whose average per capita income is below the subsistence level to request social assistance.

183. The most recent data for the Russian Federation as a whole are as follows:

SUBSISTENCE LEVEL

Total population: average per capita (thousands of roubles)

of whom:

	Able-boded population		Pensioners	Children
1993				
October	32.4	36.6	22.8	32.4
November	37.9	42.8	26.7	37.9
December	42.8	48.4	30.2	42.8
1994				
January	51.4	58.0	36.2	51.3
February	56.6	63.7	39.9	56.9

	No. of persons with cash incomes below:			
	the cost of a food consumer basket calculated during evaluation of subsistence level		subsistence level	
	Millions	As a percentage of total population	Millions	As a percentage of total population
1993				
October	45.0	30.3	18.9	12.8
November	49.1	33.0	20.6	13.8
December	32.9	22.2	14.0	9.5
1994				
January	52.6	35.4	26.3	17.7
February	24.8	16.7	8.5	5.7

184. Statistical surveys conducted in 1993 show that the proportion of families with incomes below subsistence level depended on the number of children in a family: families with one child accounted for approximately 27 per cent; with two children, 38 per cent; and with three or more children, almost 63 per cent.

185. At a time of social and economic crisis and a decline in living standards, there is a greater risk that poverty will affect families assuming considerable financial responsibility for dependants, namely, large and one-parent families, those with young and disabled children where one of the parents is not productively employed as a result of looking after a young or disabled child, and the families of refugees and persons forced to resettle.

186. Poverty and social alienation are characteristic of children whose parents have an antisocial way of life (alcoholism, drug addiction, criminal tendencies, and so forth), which is the greatest impediment to a child's development.

187. The country's social and economic policy for children is based on the need to adopt preventive measures and steps to overcome the above shortcomings.

188. The main way to protect children is through the system of State allowances for families with under-age children. In accordance with Decree No. 2122 of the President of the Russian Federation of 10 December 1993, on improving the system of and raising the rates of State social benefits and compensation payments to families with children, a unified system of State allowances was introduced on 1 January 1994, under which several kinds of State social benefits and compensation already being paid to families with children were replaced by a single monthly child allowance. The adoption of the Decree is one stage in the creation of a single system of allowances for families with children, provided for in the draft federal law

on State allowances for citizens with children. The Decree also makes provision for the payment of benefits for children receiving a social pension or a pension in respect of the loss of the breadwinner, which was not previously granted. A single monthly payment is made for each child under the age of 16 (for each child attending a school offering general education the benefit is payable until he or she has finished studying). The benefit paid is equal to 70 per cent of the minimum wage for a child up to the age of six, and 60 per cent for older children, and amounted to 24 and 14 per cent respectively of a child's subsistence level in February 1994. For children in one-parent families (single mothers, families where parents refuse to pay maintenance, and families of servicemen who have been conscripted) child benefits are increased by 50 per cent.

189. Women, or surrogates, who have taken leave to look after a child of under 18 months receive a monthly allowance amounting to 100 per cent of the minimum wage. Allowances are also paid on the birth of a child and for looking after a sick child. Pensions are paid in respect of children who have lost their breadwinner and disabled children. Children in a one-parent family following a divorce have a statutory right to maintenance.

190. Since a life of poverty poses a threat primarily to children's health due to a lack of food or a poor diet, it has been decided that milk products should be provided free of charge to all children under two years of age. All children under 3 years of age are entitled to free medicine, and children from large families are entitled to medicine up to the age of 6, as are disabled children up to the age of 16.

191. The law guarantees a child's right to free medical care as well as free general basic education. Provision has been made for measures to ensure access to the services of preschool establishments for families with children. Every year, measures are taken, inter alia by earmarking additional budgetary resources, to provide summer holidays for and improve the health of children, and above all those from poor families, orphans and disabled children.

192. Measures have been adopted and are being implemented to provide social and material support for large families, whose children receive free meals in general educational establishments and are also entitled to clothing, free travel on urban public transport and preferential access to cultural events and culture.

193. A Federal Child Protection Programme and standards have been established and are being supplemented in the light of specific poverty conditions in various territories. In most cases, the territorial level of free and preferential services for children and the number of recipients are considerably above general federal standards. The activities of local administrations include the implementation of measures to provide social protection on an individual basis, including a special programme to support children from the poorest families. Territorial programmes providing social support to families and children are financed in part from humanitarian assistance resources.

194. In accordance with Presidential Decree No. 1338 of 6 September 1993, a State system is being introduced in Russia to prevent the neglect of and crime

among minors and to protect their rights, as well as to promote the social adaptation of children who, for one reason or another, have been neglected, are victims of domestic violence or have committed a crime. Under this system a network of specialized establishments is being developed within bodies providing social protection for minors in need of social rehabilitation, namely, refuges for minors, social rehabilitation centres for minors with deviant behaviour, and centres providing assistance to children who are no longer in the care of their parents.

195. In view of the need for an integrated approach to the solution of problems of child poverty and providing children with a decent standard of living and upbringing, a national medium-term strategy in this area must be drawn up.

196. In 1993 a great deal of attention was paid to the nature of the organizational and legal decisions needed to implement the recommendations contained in the concluding observations of the United Nations Committee on the Rights of the Child, and the Convention on the Rights of the Child, in the Russian Federation.

197. An Inter-departmental Committee to coordinate activities connected with the implementation of the United Nations Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children in the 1990s has been set up in the Russian Federation. Moreover, a National Plan of Action for children in the Russian Federation has been formulated with a view to developing a unified State policy.

198. The main objective of the Plan is to define - on the basis of the international obligations Russia assumed by signing the World Declaration - the priority goals and tasks that will ensure the survival, protection and development of children in the 1990s, as well as the strategy and measures that have to be adopted to strengthen the social and legal protection of children, and guarantee their constitutional right to survival, protection and development.

199. On 1 June 1994, 1,482,900 citizens without paid work, including 1,219,300 unemployed were registered with the State Employment Service. For May, the number without paid work was 23,400 higher than the previous month, while the number of unemployed rose by 39,400.

200. The number of persons laid off by enterprises, organizations and establishments account for 25.8 per cent of those without paid work.

201. In May 1994, the State Employment Service found work for 80,200 Russians, 17 per cent of job seekers being placed within 10 days of approaching the Service. Unemployed citizens accounted for 76 per cent of those for whom jobs were found.

202. In May 1994, 17,400 Russians were engaged on paid public works projects, which is 30 per cent more than in May 1993.

203. In May 1994, the State Employment Service enabled 52,600 citizens to acquire a new occupation (specialized field), namely, 2.1 times more than in February 1993.

204. In February 1994, 9,100 unemployed persons took advantage of the right to take early retirement.

205. On 1 June 1994, the State Employment Service had 347,200 vacancy listings, of which 85 per cent were for manual and 15 per cent for non-manual jobs. The number of vacancies declined by 6.9 per cent for February 1994.

206. In February 1994, 828,000 citizens received unemployment benefits.

207. The President and the Government are devoting special attention to the question of the social protection of servicemen. Presidential Order No. 203-RP of 27 March 1993 approved the Programme of priority measures to be taken by the State to strengthen the social protection of servicemen who have been demobilized, as well as members of their families, in the context of economic and military reforms. An Inter-departmental Commission on social questions relating to servicemen and their families has been set up, and is seeking to coordinate regulations governing the social protection of military pensioners in the framework of the Commonwealth of Independent States (CIS) and with the Baltic countries.

208. Among the impoverished members of the population, the homeless are in need of special protection and support. The total number of homeless in the country rose by approximately 40,000 (statistics are not kept) after the provisions of the Criminal Code making vagrancy and begging an offence were repealed in 1991. This dangerous social development has considerably complicated the situation as regards sanitation and hygiene. Presidential Decree No. 1815 of 2 November 1993 on measures to prevent vagrancy and begging indicates a number of measures to be taken as a matter of urgency. Specifically, the Decree states that vagrants and beggars may be identified, detained and handed over to militia agencies in social rehabilitation centres.

209. At a time of an extremely severe economic crisis in Russia, the right to have enough to eat is in serious danger. In order to guarantee that right in 1993, Russia imported foodstuffs and agricultural raw materials (not including textiles) at a cost of US$ 5,950,000,000, which represents 22.2 per cent of the total cost of imports for that period.

210. An analysis of the prevailing situation by the State Committee on Sanitary and Epidemiological Supervision reveals another trend that has gathered momentum in the past year, namely, an increase in the number of poor-quality products supplied to Russia from abroad. This is true not only of the so-called bulk goods trade, over which there is absolutely no control, but also of products supplied to Russia on the basis of official contracts. In this regard, the activities of the Russian Consumers' Confederation, a public body, are of importance. Over 6 per cent of all imported goods fail to meet hygiene requirements and more than 50 per cent fall short of microbiological standards. It is significant that poor-quality foodstuffs have started to arrive not just from China, Taiwan and Viet Nam, as in the past, but also from European countries. In 1993, for example, botulism was

caused by Italian tinned meat from the "Montana" firm, poor-quality "Semilak" and "NAN" milk blends from Holland were rejected, as were "Bebitel" tinned vegetables from Hungary, and so forth. Yet appeals by domestic agricultural producers to close the Russian market to western foodstuffs cannot be heeded because the quality of domestic products is even worse. Research carried out by the State Committee on Sanitary and Epidemiological Supervision revealed that in 1993 between 1.5 and 23 per cent of samples of various kinds of foodstuffs contained morbific bacteria, eggs of intestinal worms, and considerable amounts of pesticides, toxins or antibiotics. Twelve per cent of the dairy products, 15 per cent of the fish and 7 per cent of the meat were substandard. This poor quality of agricultural products is explained not only by failure to comply with technological requirements on their arrival and when in storage, but also by contamination of the land on which they are grown or produced. The heavy metal content alone exceeds permissible levels in one quarter of Russia's agricultural land.

211. The expansion of the retail trade system and its regulation are the responsibility of local authorities. For example, under Order No. 729-RP of the government of Moscow on measures to promote street trade (hawking), adopted in May 1994, organizations and enterprises selling doughnuts, pies, ice cream, chebureks (meat pasties), and hot and cold drinks from barrows and handcarts are exempt from paying for authorization to do so and for a hawking permit. Enterprises wishing to engage in this kind of trade will have to obtain a single licence for all their outlets and agree with the Prefecture on where they are to be located. The Prefects of the administrative areas are required to decide immediately where hawkers' barrows may be positioned.

212. Additional information on this subject can be found in the Russian Federation's national report on problems affecting the population.

213. With a view to regulating agricultural production and supplying the population of Russia with foodstuffs, agrarian reforms have been carried out since 1991 to promote the creation of peasant farms and enable peasants to enjoy effective ownership of their land. The Presidential Decree of 27 December 1991 on urgent measures to implement land reforms in the RSFSR called upon existing agricultural enterprises to reorganize themselves in 1992, favourable conditions being offered for the creation of farm holdings. According to official statistics, 19,700 collective farms and State farms - more than three quarters of the total - had been re-registered by the beginning of 1993. Approximately 7,000 of farm workers preferred to retain their former status. Three hundred publicly-held joint-stock companies, 8,600 limited partnerships and partnerships with limited liability and 1,700 agricultural cooperatives were set up. It would be an exaggeration to say that, in practice, there are any major differences between these bodies from an organizational and legal standpoint. Their statutes make a distinction between individual shares in property and land and establish the right to a general share or joint ownership of property, as well as the right to collective share ownership or joint ownership of land. The legal status of the new organizational and legal forms of agricultural enterprises has thus been considerably standardized. Clarification of their legal status may facilitate the adoption of legislation on agricultural cooperatives and economic companies and associations.

214. The Presidential Decree of 27 October 1993 on the regulation of land relationships and the development of agrarian reform in Russia will undoubtedly act as an additional stimulus in this respect. However, no actual agrarian reform measures have yet been formulated, and the process of acquiring practical experience in implementing the legislation in force in the light of the approval of new forms of entrepreneurial activity in the agro-industrial sector and the optimization of production structures in the context of a market economy is continuing. Government Decision No. 324 of 15 April 1994 on agrarian transformations in the Nizhegorod region recommended that agricultural enterprises should undertake a land privatization programme and reorganize themselves, and that the relevant management bodies and authorities should take past experience into account when they drafted land and agrarian legislation. The system for assigning plots of land to citizens is being improved. To this end, a number of measures removing various restrictions, such as those applicable to horticulture and allotments, have been adopted pursuant to the Presidential Decree of 23 April 1993. Moreover, the Government Decision of 30 May 1993 introduced regulations governing the purchase and sale of plots of land by citizens of the Russian Federation.

215. The draft of the new land code of the Russian Federation has been drawn up and was submitted to the State Duma for consideration in June 1994. It consolidates the rights of citizens and legal entities to land, as well as the right to own land; the rights, obligations, guarantees and protection of owners, landowners and persons using land; land grant procedures; civil transactions involving plots of land; the conditions and procedures relating to the economic use of land granted; and establishes the rules for and limits of what may be done in particularly valuable and protected areas.

216. The right to housing is guaranteed by article 40 of the Constitution:

> "1. Everyone shall have the right to a home. Nobody may be arbitrarily deprived of his (her) home.
>
> "2. State government bodies and local government bodies shall promote housing construction and create conditions for exercising the right to a home.
>
> "3. Low-income citizens and other citizens mentioned in law who are in need of a home may receive it either free of charge or for an affordable payment from State, municipal and other housing funds according to the norms established by law."

217. It may be said that family housing conditions have remained unchanged since 1990. From 1985 to the present, the amount of new housing financed by all sources declined by a factor of 1.5.

218. The average amount of housing space available to the population is increasing slowly. In 1993, average per capita housing space in Russia was 17.1 square metres as against 16.4 in 1990.

219. The number of families whose housing conditions have improved is declining steadily. Whereas there were 1.3 million such families in 1990, there were 1.1 million in 1991, 950,000 in 1992 and 900,000 in 1993.

220. At the beginning of 1994, there were 9.1 million families on the waiting-list for improved housing, namely, 18 per cent of all families (as against 20 per cent in 1990). The slight decline in the total number in 1993 in comparison with 1990 and 1991 is explained by the fact that less departmental housing was being built (a drop of 24 per cent in 1992 compared with 1991).

221. The availability of family housing varies from region to region. The housing situation is particularly difficult in the Tyumensk region, where 37 per cent of the total number of families are on the waiting-list; in the Republic of Komi (30 per cent); the Sakhalin region (28 per cent); the Yakut-Sakha Republic and Mari El, the Kaliningrad Region and Sankt Peterburg (each 27 per cent). The situation is better in the Republics of Kalmykia and Adygeya (7 per cent in each), Buryatia and Altai (9 per cent each) and Moscow (12 per cent).

222. The right to housing is governed by the Housing Code of 24 June 1983, which was amended and supplemented by the Law of 6 June 1991 in connection with the adoption of the Law on the privatization of the housing stock of the RSFSR. On the one hand, all citizens have the right to own their own home, and on the other the privatization of apartments in housing which is in a dangerous condition is forbidden by Federal law. The list of houses in a dangerous condition is approved by the local authorities. The Moscow list was approved by Order No. 1640-RM of the Prefect of the Central Administrative Area.

223. The basic principles governing the exercise by Russian citizens of the constitutional right to housing in the new social and economic conditions are set out in the Law on the basis of federal housing policy, the Decrees of 10 June 1994 on housing credits, on the issue and use of housing certificates, and on measures to ensure the completion of unfinished dwelling-houses. A new code of housing legislation is in the pipeline.

224. In accordance with article 72 of the Constitution, housing legislation is the joint responsibility of the Russian Federation and its constituent entities. However, the latter retain wide powers with regard to the protection of housing rights, which is particularly appropriate in an emerging housing market. Presidential Decree No. 442 of 9 April 1993 on measures to protect citizens' rights to housing is of importance in this respect.

225. Local executive bodies have been granted broad rights in this area. For example, the government of Moscow has taken additional steps to strengthen regulations governing the housing market in Moscow. It is pointed out in Order No. 252-RM that numerous cases had recently come to light of citizens falling victim to fraud, violence or threats by criminal elements in connection with transactions involving the sale, donation or exchange of accommodation, and that there is evidence that such citizens have been liquidated. In this connection, the Mayor of Moscow entrusted the Department of Internal Affairs of Moscow and the Committee on Social Protection with the task of compiling, within a month, a list of categories of citizens requiring the protection of the municipal authorities during the privatization and alienation of accommodation. If citizens so desire, the Municipal Housing

Department and organizations authorized by that Department will sell their apartments subject to their right either to continue living in them for life or to be offered alternative accommodation. Should such citizens conclude a real estate transaction on the basis of a written authorization, the decision on the alienation of the accommodation will be taken in the light of the views of special public commissions.

226. Furthermore, the Chief Directorate of Internal Affairs (GUVD) of Moscow has been given two months to establish a branch of the criminal police to combat crime connected with privatization and related housing transactions. It was also decided that the licensing of commercial bodies dealing with paperwork connected with the alienation of accommodation would be introduced in the very near future.

227. A housing information and reference system (IS) has been set up in Moscow. Its main task is to solve the problem of supplying information to State bodies responsible for the housing market. The system amalgamates existing data banks and supplies commercial bodies with operational and reliable information on the housing market. Such information will also be made available to Muscovites wishing to improve their housing conditions.

228. It is important that existing independent data banks should be able to interact under the new system. At present, for organizational and technical reasons, hardly any exchanges of information take place between the numerous local systems. Existing data banks are therefore not used very effectively. So far no data bank possesses complete and reliable information on office premises, communal apartments, hostels or changes in the structure of the housing stock.

229. The emergence of the housing market has led to frantic activity among the many real estate companies. And yet information service link-ups between them are hampered for the very reason mentioned above.

230. Information systems providing information on apartments for sale must protect the buyer from dishonest operations such as the sale twice over of housing or the sale of an apartment that is mortgaged or has been attached.

Health protection (art. 12)

231. One of the main aspects of the social policy of the State, which is trying to ensure the well-being of the people and a high standard of living concerns the protection of citizens' health and improvement of public health services in general. In recent years the Executive and the Legislature have, therefore, been paying particular attention to the task of drafting legislation to regulate public health-care relationships, as envisaged in Decision No. 1 of the Congress of People's Deputies of the RSFSR of 21 June 1990.

232. In 1992 alone, six basic laws of the Russian Federation and three decisions of the Supreme Soviet on health protection and the organization of the public health system were either adopted in final form or on first reading. Several laws have been drafted and are awaiting adoption. The President promulgated five decrees. More than 22 decisions intended

to resolve new health-care problems and to reform the health service have been brought into force by the Government of the Russian Federation.

233. In view of the crisis being experienced by the public health system as a result of management over-centralization, a considerable decline in State financing, inadequate material and technical equipment and the resulting decline in the quality of medical care and the services provided, considerable system-wide restructuring and reform is essential. Yet the health system and health care cannot be reformed without a new legislative basis reflecting an approach that is radically different from previous ones. The new health protection legislation, tailored to today's needs, will therefore be based not simply on the Republic's existing laws, but also on the international instruments designed to protect the rights of the individual and of citizens that have been ratified by the Russian Federation.

234. The conceptual basis of health protection legislation reflects an integrated approach, implying the interdependence of all relevant elements, namely, a pleasant environment, safe working conditions, sound and safe foodstuffs, and medical and social assistance.

235. Constitutional health-care guarantees are contained in article 41 of the Constitution:

> "1. Everyone shall have the right to health protection and medical care. Medical care in State and municipal health institutions shall be rendered to citizens free of charge and at the expense of the appropriate budget, insurance premiums and other proceeds.
>
> "2. In the Russian Federation, federal programmes for the protection and improvement of the health of the public shall be financed, measures shall be taken to develop State, municipal and private health-care systems, and activities shall be encouraged which contribute to the improvement of human health, the development of physical education and sport, and ecological, sanitary and epidemiological well-being.
>
> "3. The concealment by officials of facts and circumstances which pose a threat to the life and health of people shall result in liability according to federal law."

236. The basic health protection legislation of the Russian Federation (adopted on first reading) is the fundamental instrument in this sphere that not only codifies existing laws but also lays down new guidelines for the development of the public health-care system as a whole and the impact of new economic conditions on medical work. One of the main features of this basic legislation is the priority it attaches to the rights of the individual and citizens with regard to health protection over all other values and to the goal of striking a balance between the interests of the individual and society.

237. Laws have also been adopted or are being drafted with a view to giving effect to the provisions of the basis legislation. These laws, such as those on medical insurance, the sanitary and epidemiological well-being of the population, psychiatric assistance and guarantees of citizens' rights when

such assistance is provided, the transplant of human organs and (or) tissue, donated blood and its components (adopted on first reading on 20 January 1993), the pathological/anatomical service and research in the Russian Federation (draft), and AIDS prevention (draft), are having the effect of organizing various kinds of medical work and assistance to citizens, and are establishing the liability of institutions and their staff for violations of regulations. The introduction of a new source of financing for the health system, namely, medical insurance, is of major importance.

238. The Government is arranging the adoption of the measures required to give effect to this legislation. For example, the Government Decision on measures for psychiatric assistance to and the social protection of persons suffering from psychiatric disorders was adopted in connection with the Law of 25 May 1994 on psychiatric assistance and citizens's rights when such assistance is provided.

239. In extending the range of rights and guarantees of compliance with them, it became essential to make a distinction between the notions of "health protection" and "public health care". Health protection, as a broader concept, is ensured by political, economic, legal, social, medical, sanitary and hygiene measures, as well as measures to prevent epidemics, which are carried out by the authorities, State and non-State enterprises, establishments and organizations. Public health care is a component of health protection, and is designed to provide medical and social assistance to the State system, as well as private and municipal systems, as guaranteed by the Constitution.

240. The main innovation consists in the humanization of health protection legislation by the strengthening of rights and guarantees of its application, both for citizens and individual groups of the population when receiving medical and social assistance as well as for professionals working in this area. Particular attention is paid to the rights of individual groups which include the least protected segments of the population, such as the disabled, middle-aged and elderly citizens, persons with psychiatric disorders and other socially significant illnesses.

241. For the first time ever, this legislation defines the competence of the Russian Federation, its constituent Republics, territories and regions, and grants the constituent entities of the Federation and local authorities the freedom and right to make their own decisions on health protection matters in the area under their jurisdiction. The laws comprising this legislation establish the legal basis for decentralization and specify the rights of the enterprises, establishments and organizations under the Ministry of Health, the latter's sole remaining functions being monitoring and coordination.

242. The laws confirm the existence of State and private systems and recognize all forms of ownership and their role in providing health care in a market economy.

243. The rights embodied in these laws and based on the Declaration of human rights and freedoms include, in particular, the right to choose a doctor and medical establishment, to reliable information on the state of one's health and risk factors, and to refuse or agree to treatment, and are backed up by

the necessary guarantees. They envisage the establishment of a market of medical services and regulation of the main areas and types of medical activity.

244. With regard to the right of servicemen to health protection and medical care, article 16 (3) of the Law on the status of servicemen states that family members of officers, including those discharged because they have reached the age limit, for health reasons or as a result of organizational and staffing measures and whose total length of service amounts to 20 years or more as well as their dependants, are entitled to free medical care in army medical establishments. The conditions for enjoyment of this right are set out in Directive No. D-48 of 12 May 1993 issued by the Minister of Defence. The families of deceased servicemen are also entitled to benefits under the legislation in force.

245. The humanization of health protection measures is also apparent from the fact that, for the first time, the law ensures the legal and social protection of persons providing medical and social care, namely, medical and pharmaceutical workers. They enjoy a broad range of vocational and social rights, together with benefits that take account of the nature of their work. Yet the guarantees provided for by legislation cannot be effective unless standards in respect of the defence of legal rights and the monitoring and supervision of health protection legislation implementation are clearly defined and unless liability is established for any violations of rights in this area. The laws in question are designed to ensure that decisions on these matters are taken in a democratic manner and imply State and public monitoring of compliance with rights and the implementation of legislation.

246. In general, this new Russian legislation reflects a completely novel approach to the task of protecting the health of citizens of the Russian Federation and organizing public health care with a view to improving the quality of life and levels of living of Russians.

247. An analysis carried out by Russia's Health and Epidemiological Supervisory Committee (HESC) reveals that, in the present difficult economic and social development context, health and epidemiological conditions in the Russian Federation as a whole are regarded as unsatisfactory, and their negative impact on the health of the population is becoming increasingly evident. The task of supplying the population with good-quality drinking water, meeting health and hygiene standards, presents the most thorny problem of all. The quality of the food consumed by the population, as well as their diet, is deteriorating. A considerable proportion of the population lives in an environment where the atmospheric content of substances harmful to their health permanently exceeds permissible threshold concentrations. The random and uncontrolled burial of toxic industrial and household waste constitutes a health danger, and the sense of responsibility displayed by management bodies in the performance of their functions entailing labour protection, cleaning up the environment and ensuring the quality and safety of production is declining. The incidence of occupational and infectious diseases is increasing.

248. Over 60 million persons in Russia have to put up with excessive noise or vibration, electromagnetic fields and atmospheric pollution, and almost half

of the country's population consumes poor-quality water. Although in 1993 atmospheric emissions declined by 10 per cent in comparison with 1992, this improvement had virtually no effect on the condition of the environment. The number of towns in which air pollution is more than 10 times the maximum permissible concentration (MPC) remained unchanged at 84, and in nine towns the concentration of harmful air-borne substances was more than 50 times the MPC.

249. As in the past, the environment is being affected to an increasing extent by motor vehicle emissions. The proportion of such emissions in the total amount of pollution produced is steadily increasing, and in 158 towns they exceed industrial emissions. Motor vehicles accounted for over 80 per cent of all emissions in 36 towns. Nothing is being done to solve the problem of disposing of industrial waste. At the present time, 2 billion tonnes of toxic waste is being kept at authorized storage sites but more than twice that amount is disposed of at random or, putting it plainly, in unauthorized dumps. The total amount is increasing by 70 million tonnes per day. And yet the Russian Federation has only two sites where industrial toxic waste is treated and buried. There are only seven waste treatment plants and two incinerators in the entire country and they dispose of only 4.5 per cent of the total amount of solid household waste. No new plants are being constructed.

250. Over 5 million persons, or 17 per cent of the number employed, are working in unacceptable conditions. As a result, more than 10,000 persons came down with occupational diseases last year, which is almost twice the number recorded in the mid-1980s although less than in 1992 when, according to HESC's figures, about 11,000 cases were recorded. Apart from these figures, which have remained virtually unchanged during the past three to five years and therefore indicate that health and epidemiological conditions have not improved, the following facts give an idea of what has been happening recently. In the first place, there has been a decline in the number of persons suffering from infectious diseases - from 40 million in 1992 to 30 million in 1993. Yet this substantial drop - by one quarter - in the number of persons infected is explained not by a sharp improvement in the health of the population but by inadequate medical statistics. In the present context of changing economic conditions, when increasing numbers of people are working not for the State but for themselves, a medical certificate on the basis of which sick leave can be taken and which at the same time serves as a means of keeping track of the number of sick has lost its attraction for many persons who no longer request it. For this reason, the decline in the number of persons recorded as suffering from infectious diseases no longer gives a true picture of the incidence of disease. In 1992, 19,500 persons died of infectious and parasitic diseases; the corresponding figure for 1993 was 25,500.

251. One of the main features of 1993 was the explosive increase in the incidence of diphtheria and venereal diseases. The number of persons suffering from diphtheria increased almost fourfold in comparison with 1992 and, according to incomplete data, 388 persons died. Moreover, according to experts, the death toll could have been much higher had HESC and the Government not taken urgent measures that made it possible if not to put an

end to, then at least to mitigate the crisis. Efforts to deal with diphtheria are also hampered by various factors of a non-medical nature. For example, 40 per cent of those who died of this disease were homeless.

252. As to venereal diseases, the number of persons suffering from syphilis alone doubled in 1993. There were twice as many cases of gonorrhoea as dysentery, and totalled almost a third of a million. It may be added that, in 1993, an additional 99 persons were found to be HIV-positive, namely, one third more than in 1992, and that a further 14 persons came down with AIDS.

253. It is becoming increasingly difficult to provide the population with medicines. There is an acute scarcity of broad-spectrum antibiotics, analgesics, cardiovascular drugs and other medicines on the market. The privatization of pharmacies has, according to some, resulted in higher prices for drugs, some of which cost up to 20,000 roubles a packet. It is also becoming difficult to obtain medicine on the basis of subsidized prescriptions, since the polyclinics which issue them fail to repay their debts to pharmacies owing to lack of funds. In February 1994, for example, the Health Protection Committee of the St. Petersburg municipality was 3.2 billion roubles in debt to medical establishments despite the existence of subsidies for the purchase of drugs (as the indigent well know) for over 2 million persons. The managers of pharmaceutical enterprises say that failure to take steps to prevent a reduction in the amount of drugs produced in the country and lack of State support have led to a sharp reduction in the extent to which the population is being provided with medicines of Russian origin, to the closing of most enterprises and to dependence on foreign markets. The situation is also due to economic factors of another kind. For example, the introduction of an excise duty on ethyl alcohol resulted in a fivefold increase in its price and subsequently increased the prices of preparations by two to four times. The financial position of pharmaceutical plants has also deteriorated sharply. Proposals to correct the situation are being considered by the President and by the Government.

254. The problem of providing the population with sound health and epidemiological conditions must be solved by the Government in association with federal ministries and other federal bodies at the executive level, as well as the executive bodies of the constituent entities of the Russian Federation, in the framework of an appropriate purpose-oriented State programme. The HESC of the Russian Federation, the Russian Ministry of Health and Ministry of the Medical Industry as well as the Russian Academy of Medical Sciences, together with appropriate federal ministries and other federal executive bodies, giving effect to Decree No. 468 of 20 April 1993 of the President of the Russian Federation on urgent measures to protect the health of the population of the Russian Federation, drew up a State programme for 1994-1996 of urgent measures to ensure sound health and epidemiological conditions, and measures to prevent infectious and non-infectious diseases and to reduce the incidence of premature death among the population (approved by Government Order No. 158 of 28 February 1994).

255. This programme was elaborated in the light of the provisions of the law on sound health and epidemiological conditions, the basic legislation of the Russian Federation on the health protection of citizens and the programme of

the Russian Federation's Government for 1993-1995 on the development of reforms and stabilization of the Russian economy, as well as other relevant instruments.

256. Specifically, a special anti-AIDS federal programme was drawn up and submitted to the State Duma for approval, and the Government of the Russian Federation approved special federal programmes entitled "Prevention by vaccination" and "Protection of the territory of the Russian Federation against the entry and propagation of particularly dangerous infectious diseases affecting human beings, animals and plants, as well as toxic substances".

257. Similar action is being taken by the territorial health and epidemiological services of the Russian Federation.

258. The complexity of the task of providing the population with sufficient food increased even further in 1991-1994, and the situation must be monitored by local authorities which have to take steps to improve supplies of foodstuffs. For this reason, the Moscow administration in 1993 signed an agreement with prefectures, food and vegetable wholesalers and farms producing fruit and vegetables under which subsidies were introduced for such farms. Moreover, the Food Resources Department of the Government of Moscow each year specifies the amount of vegetables that is to be placed in storage to ensure an uninterrupted supply for the inhabitants.

The right to education (arts. 13 and 14)

259. Reflecting the democratic processes taking place in our country, the right to education was embodied in Law No. 3266-1 of 10 July 1992 on education. Indeed, the entire educational policy of the State is based on democratic and humanistic principles, as is obvious from article 2 of the Law on principles of State policy in the field of education, which proclaims:

The humanistic nature of education;

The priority accorded to universal values;

The protection, by the educational system, of national cultures and regional cultural traditions in the framework of a multinational State;

Education accessible to all;

The democratic and State-public administration of education, etc.

260. Generally speaking, the democratization of education is a twofold process that entails the granting and protection of the constitutional right of citizens of the Russian Federation to education and the establishment of legal guarantees of the free functioning and development of the system of education in the country.

261. According to article 43 of the Constitution, State guarantees of the right of citizens of the Russian Federation to education (art. 5 of the Law) facilitate the task of extending and protecting the constitutional right of citizens of the Russian Federation to education.

> "Citizens of the Russian Federation within its territory are guaranteed the possibility of obtaining education regardless of race, nationality, language, sex, age, health, social, material and official status, social origin, place of residence, attitude to religion, convictions, membership of a party or criminal record.
>
> "The State guarantees citizens of the Russian Federation a free basic general education and, on a competitive basis, free vocational training in State and municipal educational establishments to citizens who have acquired a basic education."

262. The State defrays, in full or in part, the living expenses of citizens in need of financial assistance during the period of their education.

263. Citizens displaying outstanding ability are assisted by the State in obtaining an elitist education.

264. It is worth mentioning that the State satisfies not only the educational requirements of ordinary members of society but also those of handicapped citizens for whom special educational arrangements are made.

265. The fact that education is financed by the State and municipalities (art. 40 of the Law) constitutes the basic guarantee that citizens will receive an education corresponding to State educational standards.

266. The right of citizens to obtain higher and postgraduate education corresponding to State educational standards is ensured by providing citizens who have passed an examination and have enrolled in an educational establishment with a State education grant (non-reimbursable, reimbursable in part or reimbursable) (art. 42 of the Law).

267. Citizens are entitled to a general basic education in their mother tongue, but may also select the language of instruction subject to the possibilities offered by the educational system.

268. The State provides assistance, in accordance with international accords and agreements, to persons belonging to one of the nationalities of the Russian Federation and living outside its territory in acquiring a basic general education in their mother tongue. The language aspect of educational policy is governed by article 6 of the Law, which reflects the provisions of the RSFSR Law of 25 October 1991 on the languages of the nationalities of the RSFSR (see, in particular, chapter II of this Law). The following social guarantees of the right of citizens to education are designed to solve this problem.

> Citizens of full legal age have the right to choose the educational establishment and the type of education they desire;

Students in all educational establishments have the right to an education corresponding to State educational standards, etc. (part V, arts. 50 and 52 of the Law).

269. The various legal provisions embodied in the Law on education, and specifically in section II entitled the system of education, section III entitled the administration of the education system, and section IV entitled financing of the education system reflect the desire to ensure the unhampered functioning and development of the educational system.

270. The Russian Federation proclaims education to be a priority area (art. 1 of the Law) and State guarantees to that effect are set out in article 40 of the Law.

271. The State is under an obligation each year to appropriate funds to meet educational requirements and establishes tax benefits designed to promote the development of education. Specifically:

Educational establishments, regardless of their organizational and legal nature are, in respect of their statutory non-entrepreneurial functions, exempt from the payment of all kinds of taxes as well as payment for land;

In order to promote investment in education, the State has established a special system of tax benefits for enterprises, establishments and organizations, regardless of their organizational and legal nature, as well as natural persons including foreigners investing in the development of the Russian Federation's system of education;

The State grants tax benefits to the owners of immoveable property rented to educational establishments.

272. The activities of State and municipal educational establishments are governed by standard regulations applicable to various types and forms of educational establishment, approved by the Government of the Russian Federation and by statutes drawn up on the basis of such regulations (art. 12 of the Law). For example, regulations on the conduct of final examinations in State general and specialized and non-State secondary educational establishments are applicable to final school examinations this year. The complete text of this document was published in the Educational Bulletin of May 1994.

273. As in the past, Russian (composition) and mathematics (algebra) are required subjects for all students. The school itself decides which examinations are not compulsory. A selection may be made from among authorized subjects. Training in labour practices at in-service training production establishments constitutes an exception. Vocational training may be counted as a final examination only if the actual exam is conducted during the period of State examinations and if the student receives a certificate stating that he is authorized to work in his specialized field. And even so the school itself is entitled to refuse the student's request to have his vocational training exam counted as a final examination. The school may not dispense students from sitting an examination in any general subject.

274. No fewer than five examinations must be sat; the maximum number is not indicated. This applies to ordinary schools, but students in specialized schools have to take one additional compulsory examination, namely, in their specialized field.

275. Various aspects of the statutes of educational establishments which are not regulated by law are drawn up and adopted by the establishments themselves (art. 13 of the Law).

276. The subjects taught at an educational establishment are indicated in its curriculum which is drawn up, adopted and taught independently by that establishment (art. 14 of the Law).

277. Subject to the restrictions laid down by law and in its statute, an educational establishment may, in connection with its educational activities, independently select and assign staff and engage in scientific, financial, economic and other activities (art. 32 of the Law). Educational establishments have the right to engage in the entrepreneurial activities specified in their statutes (art. 47 of the Law).

278. With a view to ensuring that the changes being made in various areas of education are of a democratic and humanistic nature, the Ministry of Education has compiled personalized guidelines for the development of education. The underlying idea was to keep the reform of teacher training and retraining updated so as to enable teachers to use the subjects they taught to promote the development of students.

279. New teacher-training programmes have been developed in all fields in order to provide teachers with sound training in their special subjects as well as practical training in teaching methods, distinctions being made between various levels of education. Special attention in these programmes is paid to the creation of conditions enabling the student himself to decide which educational path he wishes to follow, his freedom of choice being increased still further by the fact that the possibilities open to him increase at each subsequent stage of his education. Specialized inter-university centres, continuous teacher-training schemes and regional centres for the development of education have been created to give effect to this new educational pattern.

280. The Law also specifies the rights, social guarantees and privileges of the staff of educational establishments (art. 55 of the Law). Their staff are entitled to participate in management and to protect their professional honour and dignity. Teachers have the right, in the performance of their professional functions, freely to choose and use methods of teaching and education, teaching aids and materials, text books and methods of evaluating the knowledge acquired by students and pupils. Teaching staff enjoy the statutory right to a standard six-hour working day and a shortened working week, extended paid holidays and pensions on reaching pensionable age. The staff of educational establishments are also granted other rights, social guarantees and advantages (art. 55 of the Law).

281. With respect to article 13 (b) of the Covenant, it is to be noted that there are 2,607 educational establishments offering secondary vocational training in Russia; they are attended by 1,990,000 students, of whom 822,700 are boys and 1,171,100 are girls.

282. Specialists with a specialized secondary education are playing an important role in the social and economic development of the Russian Federation. At the present time, some 22 million specialists at this level are employed in the Republic's economy (about 31.3 per cent of the total number of manual and non-manual workers). Most of these specialists (31.2 per cent) are employed in industry, as well as in the building sector (7.4 per cent), agriculture (8.3 per cent) and transport and communications (8.9 per cent).

283. Most specialists in the non-production sector are employed in the health protection, physical culture and sports and social security sectors (10 per cent), and in the educational, cultural and arts sectors (10.6 per cent).

284. Specialists with a specialized secondary education account for 42.2 per cent of the total number of persons occupying managerial positions (those with a higher education account for 42.6 per cent); the corresponding figure for specialists of all levels is 46 per cent (42.2 per cent for specialists with a higher education).

285. In accordance with the State programme for the development of higher education in the Russian Federation, a scheme for the training of specialists at various levels is being drawn up, distinctions being made on the basis of the nature and scope of educational and vocational curricula. This scheme is in many respects structured in such a way as to include secondary specialized schools.

286. In recent years, national secondary specialized schools have, as a result of their historical orientation towards higher education (in management matters as well), undergone major qualitative changes as regards the structure and content of the teaching process, the training of specialists, staffing, the development of democratic principles, self-management, etc.

287. This integration of higher and secondary specialized schools is continuing at a rapid pace. The main reason for this convergence is the fact that the specialized subjects they teach are the same; there are also similarities between the qualifications of specialists with a higher or specialized secondary education and of curricula and programmes, methodological and teaching materials, the way in which practical training is organized, and the use of projects during courses and for the diploma reflecting real-life situations. Another factor is a close relationship with teaching methods used in schools offering a higher education. In recent years technical institutes have been offering an increasing number of specialized subjects, providing training, retraining and advanced training for higher-level staff as well as various kinds of courses such as those on management marketing methods.

288. Secondary specialized schools are increasingly becoming integrated in schools offering a higher education, thereby creating, in conjunction with technical institutes, various kinds of hybrid establishments, such as "higher educational establishment/technical institute" or "higher educational establishment/medical school". Moreover, secondary technical training faculties are being organized within technical institutes. During the past few years secondary specialized schools of a higher (advanced) level - colleges providing training for junior engineers, junior doctors and other specialists - have been established at a rapid rate.

289. The strategy behind the development of the system of higher education in the Republic is determined by social and economic processes in society. The transition to a market economy calls for the creation of a system for the training of specialists at many levels, comprising all interrelated educational and vocational curricula and including existing levels of training in secondary specialized schools (basic and advanced).

290. Article 6 of the Law states that citizens are entitled to choose the language of instruction subject to the possibilities offered by the educational system. The right of citizens to receive instruction in their mother tongue is ensured by the establishment of the necessary number of educational establishments, classes and groups, as well as the necessary conditions for their operation. Matters connected with the teaching of the State languages of the Republics comprising the Russian Federation are governed by the legislation of these Republics. The State provides assistance in the training of specialists to teach in the languages of Russian national groups which do not have a State of their own.

291. The competitive aspect of secondary vocational education is governed by the regulations on the acceptance of students by State and secondary specialized schools in the Russian Federation, approved by Order No. 106 of 25 March 1993 of the Russian Ministry of Education.

292. A number of measures have been taken by the State in support of young persons in order to provide them with greater social protection in the context of the economic crisis.

293. The increase in the minimum wage was parallelled by an increase in the amount of grants and subsistence allowances payable to students attending higher vocational training establishments as well as students receiving secondary and elementary vocational training, whose grants and allowances were fixed as a percentage of the minimum wage.

294. Presidential Decree No. 443 of 12 April 1993 on urgent measures to be taken by the State to support students and postgraduate students at higher vocational training establishments fixed grants for students at State higher vocational training establishments at the level of the statutory minimum wage, namely, 20,500 roubles, and grants for postgraduate students at twice the minimum wage; allowances to compensate for the rising price of foodstuffs were also increased to 2 per cent of the statutory minimum wage, calculated on a per capita per day basis (the increase for students at secondary and elementary vocational training and general educational establishments was 1.5 per cent under the Russian Federation's Law No. 5432-1 of 14 June 1993).

295. In accordance with Presidential Decree No. 1110 of 30 May 1994 on increasing the amount of compensation payments to certain categories of citizens, monthly compensation payments were increased, from 1 July 1994, to 50 per cent of the minimum wage for students at higher and secondary vocational training establishments and for postgraduate students having interrupted their work in production to take courses at higher vocational training establishments and scientific research establishments on sabbatical leave for medical reasons. At the present time actual student income amounts to 32,000 roubles per month, and their expenses are three to four times greater.

296. Decision No. 275 of 4 April 1994 of the Government of the Russian Federation on measures to organize summer holidays for children and adolescents in 1994 was adopted with a view to organizing summer holidays and a period of rest for children and adolescents in the context of the country's difficult social and economic situation.

297. Access to higher education is based on competitive examinations. Education is financed by the State budget.

298. A continuous supplementary vocational training system is being created under the Russian State Committee for Higher Educational Establishments.

299. This system is highly democratic and informal:

It is accessible to any specialist of any age and of any level of training wishing to improve his qualifications or to retrain,

The training it offers is of various kinds, from one-day seminars to courses of two years;

Participants play an active role in determining the content and nature of their training, the choice of teacher and the subjects of the final exams; and

Training can be provided during the day, in the evenings or by correspondence.

300. The present supplementary vocational training system in Russia can handle 2 million persons per year, but according to available estimates such training is required by 8 to 10 million persons per year.

301. The salaries of teachers in the supplementary vocational training system are paid out of the State budget.

302. The system enjoys the moral and legal backing of the State and is basically subsidized by various branches of the economy. At the same time, efforts are continuing, in conjunction with local administrations, to develop new forms of retraining, training and advanced training for specialists and managers. On the instructions of the Mayor of Moscow, the Moscow Higher School of Management was established in 1994 in the Economics Academy attached to the Government of Russia in order to retrain the staff of the government of the city, the municipalities and administrative districts.

303. In recent years the salaries of teachers have been steadily declining in relative terms, and at the present time are even below average wages in industry.

304. Salaries in the supplementary vocational training system which were previously low and stable have now reached a level which makes it difficult to provide training for all applicants.

305. In 1994, compliance with the Law on education was verified by public prosecutors in 19 regions of the country. The most common violations continue to be connected with the acceptance, transfer and expulsion of students from educational establishments.

306. Abolition of the previous procedure under which minors could be expelled with the consent of Commissions for Minor's Affairs was interpreted by the staff of many establishments as offering an opportunity for the mass expulsion of difficult, objectionable and refractory children from school. During the past two school years alone, 1,700,000 school-age children were thus deprived of education for various reasons. There was a four-fold increase in the number of drop-outs in Penzenskaya oblast, for example, and the number increased twenty-fold in St. Petersburg. Very often the administrations of educational establishments impose illegal sanctions for failure to observe the rules, for example, as well as for poor grades. The principle of free general education in State and municipal schools is also frequently violated. Public prosecutors have come across a large number of statutes of educational establishments which require payment for taking a course twice over, resitting examinations, corrective classes, etc.

307. There has been a sharp increase in juvenile crime, and each year crimes are committed by 60,000 persons below the age of criminal liability.

308. Refusal to accept children of 6 and 7 entitled to be first formers in the school nearest to their home on the pretext that they are not ready to start learning undoubtedly constitutes a violation of school law. Only lyceés and gymnasia, namely, educational establishments according to whose statutes particularly gifted children receive education, have the right to pick and choose their students. In that connection, the Public Prosecutor's Office has found that many statutes are in direct violation of the legislation in force. In some cases, for example, they provide for the liability of parents if their children break school rules, and stipulate fines for smoking, obscene language and even for persistent failure to do homework.

309. The Public Prosecutor's Office has informed the Ministry that one half of all schools are in need of capital repairs and that, in the Altay Territory, one third of school buildings are completely unsuitable. There are 1.5 to 2 times more children in a class than in developed countries, and one out of four pupils is taught during the second or third shift (8 out of 10 in the Penzenskaya oblast). And yet the directors of schools rent out part of school buildings to the prejudice of the education and upbringing of children.

310. For these reasons, the Minister of Education issued Order No. 179, under which the statutes of educational establishments had to be brought into line with the Law on education. The Minister prohibited the organization of

competitions for children entering the first form, the use of school premises for other than educational purposes and the illegal expulsion of students, called for the creation of psychological and medico-educational rehabilitation centres and teaching and educational establishments of various kinds, and advised teachers to develop club-type forms of work, various kinds of studies, discussion groups and sports.

311. The attitude of State schools to religion is defined by the Russian Federation's Laws on education and on freedom of religion.

312. Pursuant to article 9 of the RSFSR Law on the freedom of religion, the State is required to respect the right of the child, his parents or surrogates to choose, according to their convictions, forms and methods of moral and religious education.

313. Citizens of the Russian Federation hold various religious beliefs. They may be Christians, Muslims, Buddhists, etc. or profess no religion at all because they are undecided or atheists, considering themselves agnostics and temporal humanists. The State is required to respect the convictions of all citizens in accordance with the constitutional principle of freedom of conscience, providing that their convictions are not contrary to the law and do not affect the rights and interests of other citizens. Preference for a certain body of views on the part of the State would inevitably imply discrimination against others and the emergence of a monopoly in matters affecting the spiritual development of the individual. The State offers each citizen the possibility of deciding what his beliefs are to be, as his own personal and private choice in relation to the Government.

314. In sending their child to a State school, parents realize that it cannot assume the task of inculcating in him the religious or atheistic beliefs of their choice. This constitutes a guarantee that the school will not engage in proselytizing in a manner unacceptable to both parents and children.

315. For these reasons, the Ministry of Education of the Russian Federation adheres to the following principles in connection with the spiritual development of the individual:

1. State bodies responsible for the administration of education are required to comply with the principle of the separation of secular and religious education. The secular nature of education in State educational establishments is one of the basic principles of State education policy (art. 2 of the Russian Federation's Law on education - Gazette of the Congress of People's Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, 1992, No. 30, p. 1797). This means that religious or atheistic teaching of any kind is forbidden in school. Education should promote mutual understanding and cooperation between people, nations, various races, nationalities, and ethnic, religious and social groups; it should also take into account the variety of different beliefs in the world and contribute to the realization of the child's right to make a free choice between various beliefs and convictions.

2. The teaching of religious concepts as well as religious practices and philosophy, not accompanied by the performance of religious ceremonies and presented simply by way of information, may be included in the curricula of State educational establishments (art. 9 of the RSFSR Law on the freedom of education - Gazette of the Congress of People's Deputies of the RSFSR and Supreme Soviet of the RSFSR, 1990, No. 21, pp. 240 and 286). To this end, basic optional courses on the history of religion, the religions of the world and religious practices may be introduced in schools.

Rights in the field of culture and science (art. 15)

316. The Russian Federation has adopted and implemented appropriate legislation and other legal instruments with a view to the implementation of the provisions of article 15 of the Covenant. For example, under article 26, paragraph 2 of the Russian Constitution, every individual and citizen has the right to a free choice of language, and under article 44 everyone is guaranteed freedom of literary, artistic, scientific, technical and other types of creative activity, and intellectual property is protected by law; moreover, everyone has the right to participate in cultural life and to use cultural establishments, and the right of access to cultural valuables. At the same time this article places everyone under the obligation to preserve the country's cultural and historical heritage and to protect historical and cultural monuments. Moreover, according to article 18 of the Constitution, these human and civil rights and freedoms have direct force and determine the meaning, content and implementation of laws, the functioning of legislative and executive authority and of local government, and are guaranteed by law. These rights, freedoms and obligations constitute the basis of the legal status of the individual in the Russian Federation and cannot be changed except in the manner specified by the Russian Constitution.

317. With a view to the implementation of these human and civil rights and freedoms in the Russian Federation, articles 71 and 72 of the Constitution establish the basic principles of federal policy and federal programmes in respect of the cultural development of the State, regulate intellectual property, the protection of historical and cultural monuments and deal with general questions of education, upbringing and culture.

318. In accordance with Order No. 69 of 21 January 1993 issued by the Government of the Russian Federation, State policy in respect of culture, the arts, and the protection and use of the country's historical and cultural heritage is implemented by the Ministry of Culture of the Russian Federation on the basis of international agreements and domestic legislation. The main instruments in this respect are the basic legislation on culture of 9 October 1992, the Russian Federation's Law of 15 April 1993, on the import and export of cultural treasures, the Law of 9 July 1993 on copyright and analogous rights, the law of 15 December 1978, on the protection and use of historical and cultural monuments, etc.

319. In accordance with paragraph 3 (b) of the Order of 9 December 1992 of the Supreme Soviet of the Russian Federation on procedure for the implementation of the Russian Federation's legislation on culture, expenditure on culture in 1993 is to be not less than 2 per cent of the federal budget; at the same

time, the basic legislation on culture proclaims the culture of various peoples and other ethnic communities as well as their rights and freedoms in cultural matters to be of equal value, the inalienable right of each person to cultural activities, and accords priority to human rights in the field of cultural activity over the rights of the State and its subordinate bodies, political parties, etc. in this area; it also proclaims the right to a free choice of moral, aesthetic and other values, and the right of access to cultural values; the right to humanitarian and artistic education and to the choice of the ways and means it is provided; the right to property in cultural matters; the right of citizens to establish cultural organizations, establishments, enterprises and public associations; the right to export the results of their artistic work; and the right of various nationalities and ethnic communities to preserve and develop distinctive cultural and national features and the right to cultural and national autonomy. Moreover, foreigners and stateless persons are accorded the same rights as Russian citizens in the sphere of cultural activity.

320. The content of Russia's present legislation on culture is not uniform. The organizational and legal status of the central administrative bodies of the Russian Federation responsible for cultural matters has been defined in various instruments. The following regulations were adopted in 1992-1993:

Regulations on the Ministry of the Press and Information of the Russian Federation (approved by the Order of 11 June 1992 of the Government of the Russian Federation);

Regulations on the Cinematographic Committee of the Russian Federation (approved by the Order of 6 January 1993 of the Government of the Russian Federation);

Regulations on the Ministry of Culture of the Russian Federation (approved by the Order of 21 January 1993 of the Government of the Russian Federation); and

Regulations on the Russian State "Ostankino" Radio and Television Company (approved by the Decree of 2 April 1993 of the President of the Russian Federation on guarantees of information stabilization in the activities of the Russian State "Ostankino" Radio and Television Company).

321. The bodies responsible for the administration of cultural matters were restructured in 1992-1993. Moreover, the Statute of the Russian Intellectual Property Agency attached to the President of the Russian Federation (RIPA) was approved by the Order of 15 July 1992 of the President of the Russian Federation. RIPA is vested with broad regulatory powers in respect of the protection of copyright and analogous rights and is an important element in the federal system responsible for the administration of cultural matters. However, the procedural problem of delimiting the competence of federal and republican (republics comprising the Russian Federation) bodies in this area has not yet been solved. RIPA's Statute contains no provisions defining the status of the Agency's subordinate bodies set up in the Republics comprising the Russian Federation.

322. Under the Basic Law of the Russian Federation, the Republics comprising the Russian Federation are required to draw up laws and other legal instruments regulating relationships in respect of intellectual property (art. 11 (i) and art. 2 of the Agreement on the delimitation of areas of activity and competence between the federal State authorities of the Russian Federation and the authorities of the sovereign Republics comprising the Russian Federation). The Republics are entitled to set up corresponding administrative bodies which would be subordinate to two authorities, namely, the governments of the Republics comprising the Russian Federation and RIPA. The federal Agreement does not exclude the possibility of creating bodies forming part of the RIPA system and subordinate to the Agency and the corresponding body of the krai or oblast administration, the administration of an autonomous oblast, an autonomous district and the towns of Moscow and St. Petersburg, providing that federal intellectual property legislation or other laws of the Russian Federation provide for this form of participation by constituent entities of the Federation in the exercise of federal functions.

323. RIPA's functions as a supra-department vary, depending on the extent of the powers of State authorities. RIPA has the right to issue, in accordance with established procedure, instructions and interpretations which are binding upon all legal and natural persons in Russian territory who are full owners of intellectual property or who have been granted various powers by the owner. However, RIPA's Statute specifies only the right of use, thereby excluding the owner's other rights.

324. Russian legislation provides for civil administrative criminal liability for violation of copyright, protects intellectual property and creates the necessary conditions for scientific, literary and other intellectual activity. Protection of these rights was improved with the adoption of the Russian Federation's Law on copyright and analogous rights. Decree No. 1607 of 7 October 1993 of the President of the Russian Federation on State policy in respect of the protection of copyright and analogous rights played an important role in the formulation and implementation of copyright legislation. The establishment, by Russian authors, of the Russian Association of Authors, regarded as a cultural organization, was approved by a Decree which stated that the Association was under the patronage of the President of the Russian Federation. The basic functions of the Association, whose Statute was registered by the Ministry of Justice of the Russian Federation on 30 September 1993, are as follows:

> Administration of the property rights of authors or their legal successors on a collective basis if their exercise on an individual basis is difficult (public performance, including radio and television, reproduction of recordings by mechanical, magnetic or other means, reproduction of literary works, printing of art works and decorative/applied art works in industry, reproduction of audiovisual works or sound recordings recorded for own purposes, etc.);
>
> Assistance to authors or their successors in connection with the transfer of rights to the use of the scientific, literary and artistic works they have produced as individuals; and

Representation of the legal interests of authors or their successors before State and public bodies and organizations.

325. Active steps are being taken with a view to Russia's accession to the Bern Convention.

326. In this way, Russia is creating a sound legal basis for the protection of human rights in connection with scientific, literary and artistic activities.

327. A number of legislative and government measures have been adopted to protect, develop and disseminate the sciences and to promote scientific progress for the benefit of all.

328. A draft law on science has been drawn up in association with the Scientific Sub-Committee of the State Duma of the Russian Federation. The principles embodied in this draft law reflect the interests of civil society in Russia and recognize the scientific community as one of the most important elements of future civil society. The draft takes into account UNESCO recommendations and has been drawn up in strict compliance with the international copyright and intellectual property agreements signed by the Russian Federation.

329. The draft law, which deals in detail with matters of intellectual property in the context of scientific activity and scientific copyright, recognizes the right of scientists to refuse, for ethical reasons, to participate in research that is dangerous to man and society, and states that scientists are under an obligation to inform society (but not the State) of any dangerous trends in the development of science. Moreover, it clearly delimits the area of secret research and establishes a barrier against unjustified secrecy in the case of individual types of scientific investigations.

330. The draft recognizes the right of scientists to organize and manage their own research work, including the right to form research groups and scientific organizations. In accordance with the draft civil code, which is almost in final form, the draft law makes a clear-cut distinction between commercial scientific enterprises and non-commercial scientific organizations.

331. Sources of financing for learned and scientific organizations are indicated under the "financing" heading. In the opinion of the authors of the draft law, a major role in reaching decisions on financing should be played by the newly-established Higher Expert Council, which comprises representatives of the scientific community. The system of State financing on a competitive basis is being expanded - both in respect of individual scientists through a system of grants as well as scientific organizations wishing to participate in the implementation of State programmes.

332. The draft law also specifies the social protection arrangements made for scientists during the transition to a market economy.

333. Generally speaking, the draft consolidates the rights of scientists and creates conditions for their further development.

334. Parliamentary Order No. 4729-1 of 1 April 1993 on the Russian Academy of Sciences defined the temporary basis on which the Academy is to function, prohibited the privatization of its assets and granted a number of privileges to scientific research establishments. Further measures aimed at the protection and development of science, as well as questions of financing, training and salaries, are dealt with in Presidential Decree No. 939 of 22 June 1993 on State scientific centres in the Russian Federation and Government Order No. 1347 of 25 December 1993 on urgent measures to protect the activities of State scientific centres in the Russian Federation.

335. Government Order No. 1348 of 25 December 1993 on measures to organize scientific and technical information and publicity activities on the basis of Russian science and culture centres abroad is intended to promote scientific progress.

336. The Russian Fund for Fundamental Research, a self-managing State organization, was established by Decree No. 426 of 27 April 1992 of the President of the Russian Federation on urgent measures to protect the scientific and technical potential of the Russian Federation. The Fund, which is directly subordinate to the Government of the Russian Federation, is a non-commercial and non-profit organization. The main function of the Fund, according to its Statute, is to promote the development of fundamental research (financial support for research projects, development of the material and technical infrastructure of scientific organizations, projects for the creation of information systems and data banks, organization of all-Russian and international scientific measures with the participation of Russian scientists, and publishing projects). All forms of support are provided by the Fund on a competitive basis, regardless of the age, level of knowledge, rank or function of the scientist, the department in which he works and the legal status of the scientific organization in question.

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